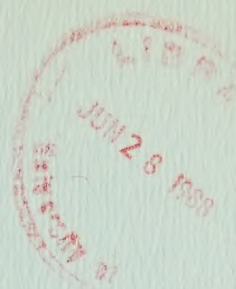


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ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: XVII

DATE: Friday, June 17th, 1988

BEFORE: M.I. JEFFERY, Q.C., Chairman

E. MARTEL, Member

A. KOVEN, Member

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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER of an Order-in-Council
(O.C. 2449/87) authorizing the
Environmental Assessment Board to
administer a funding program, in
connection with the environmental
assessment hearing with respect to the
Timber Management Class
Environmental Assessment, and to
distribute funds to qualified
participants.

Hearing held at the Ramada Prince Arthur
Hotel, 17 North Cumberland St.
Thunder Bay, Ontario, on Friday
June 17th, 1988, commencing
at 8:30 a.m.

VOLUME XVII

BEFORE:

MR. MICHAEL I. JEFFERY, Q.C.	Chairman
MR. ELIE MARTEL	Member
MRS. ANNE KOVEN	Member

A P P E A R A N C E S

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MS. C. BLASTORAH)	RESOURCES
MS. K. MURPHY)	
MR. B. CAMPBELL)	MINISTRY OF ENVIRONMENT
MS. J. SEABORN)	
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MR. R. COSMAN)	ASSOCIATION and ONTARIO
MS. E. CRONK)	LUMBER MANUFACTURING
MR. P.R. CASSIDY)	ASSOCIATION
MR. J. WILLIAMS	ONTARIO FEDERATION OF
	ANGLERS & HUNTERS
MR. D. HUNTER	NISHNAWBE-ASKI NATION
	and WINDIGO TRIBAL
	COUNCIL
MR. J.F. CASTRILLI)	
MS. M. SWENARCHUK)	FORESTS FOR TOMORROW
MR. R. LINDGREN)	
MR. P. SANFORD)	KIMBERLY-CLARK OF CANADA
MS. L. NICHOLLS)	LIMITED and SPRUCE FALLS
MR. D. WOOD)	POWER & PAPER COMPANY
MR. D. MacDONALD	ONTARIO FEDERATION OF
	LABOUR
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MR. B. McKERCHER)	OUTFITTERS ASSOCIATION
MR. L. GREENSPOON)	NORTHWATCH
MS. B. LLOYD)	

APPEARANCES: (Cont'd)

MR. J. W. ERICKSON)	RED LAKE-EAR FALLS JOINT
MR. B. BABCOCK)	MUNICIPAL COMMITTEE
MR. D. SCOTT)	NORTHWESTERN ONTARIO
MR. J.S. TAYLOR)	ASSOCIATED CHAMBERS OF COMMERCE
MR. J.W. HARBELL)	GREAT LAKES FOREST
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MR. D. KING	VENTURE TOURISM ASSOCIATION OF ONTARIO
MR. D. COLBORNE	GRAND COUNCIL TREATY #3
MR. R. REILLY	ONTARIO METIS & ABORIGINAL ASSOCIATION
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MR. G.J. KINLIN	DEPARTMENT OF JUSTICE
MR. S.J. STEPINAC	MINISTRY OF NORTHERN DEVELOPMENT & MINES
MR. M. COATES	ONTARIO FORESTRY ASSOCIATION
MR. P. ODORIZZI	BEARDMORE-LAKE NIPIGON WATCHDOG SOCIETY
MR. R.L. AXFORD	CANADIAN ASSOCIATION OF SINGLE INDUSTRY TOWNS
MR. M.O. EDWARDS	FORT FRANCES CHAMBER OF COMMERCE
MR. P.D. McCUTCHEON	GEORGE NIXON

APPEARANCES: (Cont'd)

MR. C. BRUNETTA

NORTHWESTERN ONTARIO
TOURISM ASSOCIATION

I N D E X O F P R O C E E D I N G S

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1 ---Upon commencing at 8:35 a.m.

2 THE CHAIRMAN: Good morning, ladies and
3 gentlemen. Please be seated.

4 Ms. Seaborn, are you ready to proceed?

5 MS. SEABORN: Yes, Mr. Chairman.

6 I understand Mr. Armson would like to
7 read into the record an answer to one of Mr.
8 Castrilli's questions before I proceed.

9 THE CHAIRMAN: Very well.

10 THE WITNESS: Mr. Chairman, with
11 reference to Exhibit 72, which was the graph displaying
12 the timber revenues related to total provincial
13 revenues, you asked that I provide two things: The
14 proper citation and also a copy of the table and data.

15 I can provide you now with the proper
16 citation and, as I indicated, I will have the copy of
17 the data within a week or so.

18 The citation is Pross - that is
19 P-r-o-s-s, initials A.P. - dated 1967 and the title of
20 the work is: The Development of a Forest Policy: A
21 Study of the Ontario Department of Lands and Forests.

22 That is the complete title, and it is a
23 Ph.D. thesis in the Department of Political Economy,
24 University of Toronto, and the data was based on Table
25 3 on page 39 of that thesis, and it was the data for

1 the period years from 1967 to the mid-1960s.

2 Thank you.

3 THE CHAIRMAN: Thank you, Mr. Armson.

4 Very well, Ms. Seaborn.

5

6 KENNETH A. ARMSON, Resumed

7

8 CONTINUED CROSS-EXAMINATION BY MS. SEABORN:

9 Q. Mr. Armson, I would just like to deal
10 briefly this morning with Exhibit 55, which is the
11 photograph that was identified as the podzolic soil.

12 A. Yes.

13 Q. And I understand you have that slide
14 for me here today?

15 A. Yes, I will turn it on.

16 Q. Perhaps we could put it on the screen
17 for the Board.

18 I just want to ask you a few questions in
19 order to understand this slide a little more carefully.

20 Now, I understand the top layer of soil
21 is the organic layer. That's correct?

22 A. Yes.

23 Q. And that is in the order of two to
24 three centimetres?

25 A. In this slide it would be more than

1 that. It would be, I think, of the order of six...

2 Q. Perhaps you could just point to the
3 layer of the soil that would be the organic layer?

4 A. The layer we are referring to is the
5 one on the slide which is the brownish layer
6 immediately above the very light-colored, almost
7 whitish-coloured layer.

8 So it is this zone in here and that is --
9 it will vary somewhat in depth and thickness, but that
10 is the part of it, and these black and white markings
11 on the scale which is in the picture, each are ten
12 centimetres.

13 So, in some instances, it would probably
14 be very close to ten centimetres; in other areas it
15 will be five or six. But I would say that would be the
16 order of magnitude.

17 Q. And is there a technical name for the
18 white ash layer, I might call it, underneath the
19 organic layer?

20 A. Yes, this is, I believe, referred to
21 as a leached or eluviated layer, and in soil science it
22 is given a particular designation, and it is a capital
23 'A', subscript small 'e' in our system of soil
24 classification.

25 Q. And the bottom layer of soil going

1 from underneath the white ash strip right down to the
2 bottom of the photograph, that would be the mineral
3 soil; would it not?

4 A. No, the ash white layer is a part of
5 the mineral soil. The layer - or we often use the term
6 horizon, because they are lateral in extent, so this is
7 the part of the mineral soil that eluviated or leached
8 layer, the one I referred to as the 'Ae' is still part
9 of the mineral soil.

10 Q. But then the mineral soil would
11 extend down the whole photograph; is that correct?

12 A. The mineral soil -- the part of the
13 soil which is that part which sustains plant growth is
14 normally considered to be that part within the rooting
15 zone.

16 So this is part of the soil and the
17 technical term for it, because it may arise, is solum,
18 s-o-l-u-m, and we often refer to the geological
19 material in which the soil -- and we refer to this
20 vertical sequence of layers or horizons as a profile,
21 another jargon word, but I think you see why it is
22 used.

23 This part of the profile is the soil and
24 beneath that, the geological material is commonly --
25 not commonly, but technically referred to as not soil

1 in many of the other -- in many of the older texts it
2 was referred to as parent material.

3 Q. Now, how deep is the rooted soil in
4 this photograph?

5 A. In this soil the roots, the basic and
6 lower extremity of the roots is indicated in the
7 photograph by the sort of clustering of roots that you
8 can see in another situation, these are -- but at the
9 bottom of the photograph, you will notice a thickening
10 of the root system and, in fact, what seems to be a
11 whole series of branching of the roots and then they
12 sort of cease.

13 So the bottom of the root system is
14 essentially at the base of the vertical scale and that
15 scale is, as I say, a decimetre. So we have just over
16 a metre, and I think I would suggest in this particular
17 exhibit it is something of the order of a metre to a
18 metre and a third.

19 Q. Now, in this photograph I don't see
20 any bedrock or other sorts of rock in the cross-section
21 of the one metre or more of mineral soil.

22 A. In this particular soil, that's
23 correct. The bedrock is probably -- in certain
24 dwellings, I understand, it can be in the order of a
25 hundred or more feet below the point at which the

1 particular picture was taken.

2 Q. Now, in your opinion, is one metre of
3 homogeneous soil size the common nature of soil in the
4 boreal forest?

5 A. No, not at all.

6 Q. And would you agree with me that
7 there are large areas in the boreal forest with less
8 than one metre of mineral soil?

9 A. Yes.

10 Q. And are there large areas in the
11 boreal forest with less than 30 centimetres of mineral
12 soil?

13 A. There are very significant areas of
14 less than 30 centimetres.

15 Q. And you would agree with me, would
16 you not, that some soil is required to grow any
17 commercial tree species?

18 A. Yes.

19 Q. You can sit down, Mr. Armson, sorry.

20 A. Do you wish the picture to remain?

21 Q. We can leave it on.

22 Mr. Armson, can soil depth be determined
23 by the forest resources inventory?

24 A. No.

25 Q. And can soil classification be

1 determined by the forest resources inventory?

2 A. No.

3 Q. Do you know if prior to harvesting a
4 particular site, is a soil survey generally conducted?

5 A. I don't believe it is generally
6 conducted because soil surveys are normally conducted
7 as an overall basis and not necessarily in relation to
8 a specific timing or set of activities.

9 Q. So it would not be true then that a
10 soil survey would be conducted on a site-by-site basis?

11 A. Well, a soil survey is normally done,
12 whether it be for agriculture or forestry, on some
13 basic unit of land, either a county as with soil
14 surveys in southern Ontario or on a management unit or
15 other administrative basis in terms of the designation
16 of the area.

17 It is not done on a specific site in the
18 sense that you select one kind of area of soil
19 normally.

20 Q. And would that also be the case for
21 chemical or physical tests that are done on soil?

22 A. Well, chemical or physical tests are
23 done sometimes in relation - and often routine soil
24 surveys are carried out, or they may be carried out for
25 very specific purposes to determine the effects or

1 impacts of an activity or some other particular use on
2 a soil or area of soil.

3 THE CHAIRMAN: Ms. Seaborn, I do not want
4 to interrupt you.

5 MS. SEABORN: Yes.

6 THE CHAIRMAN: But could you sort of
7 indicate to the Board where you are going with this
8 line of questioning?

9 MS. SEABORN: Well, Mr. Chairman, Mr.
10 Armson was qualified as an expert in soils. There is
11 some basic information that we require with respect to
12 soils.

13 And I appreciate in response to Mr.
14 Castrilli's questions, soils is going to be dealt with
15 in Panel 3, but before we get to that panel I only have
16 a very few more questions on this area.

17 THE CHAIRMAN: Very well.

18 MS. SEABORN: Q. Mr. Armson, you also
19 referred in your evidence to the clay belt. Could you
20 describe for us what the predominant clay type is in
21 the clay belt?

22 A. Well, the predominant soils in the
23 clay belt are not clay, again, it is a misnomer. The
24 majority of the soils in the clay belt have components
25 of clay.

1 I might point out to the Board, again we
2 get into a technicality. The word clay is used in two
3 senses. It is used to describe a soil in which a clay
4 component is a dominant component, but in soil science
5 clay has a very specific meaning and it is particles
6 less than .002 of a millimetre, in effect, of diameter.

7 So the word we use -- clay soils we use
8 loosely to describe soils with the components of clay
9 particles in. So that is true in the sense of the clay
10 belt, but many of the soils are not, in the strict
11 sense of this undertaking, of clays themselves.

12 Q. Now, in Volume XII of the transcript,
13 and the reference is page 2077, you gave evidence to
14 the effect that the boreal forest soils are usually
15 acidic; is that correct?

16 A. Yes. I believe I also pointed out
17 that in the part, essentially the western side of the
18 clay belt, calcareous materials are common.

19 Q. And in your opinion, Mr. Armson, can
20 harvest activities in certain areas contribute to net
21 acidification of a watershed?

22 A. Probably a small amount, but
23 insignificant in terms of the acidification that is
24 part of the normal biological processes in soil
25 development.

1 MS. SEABORN: Those are all my questions,
2 Mr. Chairman. Thank you.

3 THE CHAIRMAN: Thank you, Ms. Seaborn.

4 Ladies and gentlemen, we have now reached
5 the point with this particular witness, subject to
6 re-examination by Mr. Freidin, that we can I think
7 conveniently take a break and move on to the next issue
8 regarding the site visits.

9 I do not know, Mr. Freidin, how long that
10 will take, but it is the Board's intention after that
11 discussion to come back to your re-examination of Mr.
12 Armson, and I do not know whether you will complete
13 that today.

14 Do you have any idea how long you will be
15 in re-examination?

16 MR. FREIDIN: 45 minutes. Half an hour
17 to 45 minutes.

18 THE CHAIRMAN: All right. There is
19 probably a very good chance then we will finish that
20 off today and that will complete the testimony with
21 respect to this panel, and then we can re-commence when
22 we come back with Panel No. 3.

23 So if you would like to take a break, Mr.
24 Armson, and you can go and sit elsewhere, if you like.

25 THE WITNESS: Thank you very much, Mr.

1 Chairman.

2 --- (Witness stands down)

3 THE CHAIRMAN: Ms. Murphy, I take it you
4 are going to do this presentation.

5 MS. MURPHY: Yes, Mr. Chairman.

6 If we could just take a moment, we are
7 going to set up a map.

8 THE CHAIRMAN: Very well.

9 MR. MURPHY: Perhaps while we are doing
10 that, I have a couple of extra copies of the Notice of
11 Motion and supporting documentation if anyone needs
12 them, and I have also brought along another document
13 and I would like just to hand that out at this time.

14 I have simply attempted to set out as
15 clearly as possible the steps that we are proposing
16 would be part of this procedure, and I thought writing
17 it down would be easier than asking everybody to sort
18 of take dictation. (handed)

19 THE CHAIRMAN: Thank you.

20 MS. MURPHY: This is really the same
21 Order sought, but I thought it might be easier to put
22 it clearly as possible.

23 THE CHAIRMAN: Just before you commence
24 with the actual presentation, I think we better get one
25 issue, if it is going to be an issue, out of the road

1 and, that is: Is anyone going to object to the Board
2 requesting and taking a site visit at this time, and
3 the indication that the Board made earlier was that the
4 Board would like to take more than one site visit,
5 preferably in different seasons of the year, so that
6 we could gain an appreciation of how the activities
7 vary and how they are handled in different seasons.

8 From time to time, parties do object to
9 the Board taking a site visit at all, although it is
10 the Board's practice to do so, and you will probably
11 realize that the Board's Rules of Practice so provide.

12 I can also add that not always has the
13 Board taken site visits in the presence of counsel or
14 anyone else; the Board has, on occasion, taken a site
15 visit on its own. It is usual practice in those cases
16 to come and advise the parties that a site visit has
17 been taken and advise the parties as to who was present
18 on those site visits.

19 So we might as well get any issue with
20 respect to the Board taking a site visit out of the
21 road, if there are any objections in that regard.

22 (No response)

23 MS. SEABORN: Mr. Chairman, we are
24 certainly not going to be objecting to the Board taking
25 a site visit.

1 But as I advised Ms. Murphy earlier in
2 the week, I have some comments of a generic nature on
3 site visits and how we think the Board should view them
4 in terms of an evidentiary point.

5 Now, it may be better to save my comments
6 until we have heard from Ms. Murphy with respect this
7 site visit. But we may -- just to advise you -
8 certainly the position that we are going to be taking
9 with respect to this site visit, is that certain things
10 should happen before the visit begins, assuming the
11 Board chooses to take it.

12 THE CHAIRMAN: Well, I think we better
13 get that out of the road because there is not much
14 sense in going through a large production on where we
15 should be going and what we should be seeing if there
16 is going to be some objection as to the timing of the
17 site visit, because it is our intention to put forward
18 to you that we would like to take the site visit soon
19 and the July 18th date - given the amount of time it
20 might take to organize one, given the vast areas that
21 this undertaking covers - probably seems appropriate in
22 terms of lead time to make such a site visit possible.

23 So if I understand your comments
24 correctly, you are going to raise some concerns as to
25 when we might take it or what other evidence should be

1 on the record before we take it; is that the gist of
2 your concern?

3 MS. SEABORN: Well, I am not sure what I
4 am going to say is necessarily going to scuttle a July
5 18th date.

6 THE CHAIRMAN: Oh, okay. So can I take
7 it from the discussion to this point that we will look
8 at Ms. Murphy's proposal on the assumption that this
9 site visit will take place on or about July 18th, and
10 then after she has made her presentation, we can go
11 from there.

12 MR. CASTRILLI: We are going to take
13 turns. I have a communique from Mr. Hunter on behalf
14 of his clients which, at the appropriate time, I will
15 reading the entirety of into the record.

16 But since you have asked whether there
17 are any parties who wish to go on record opposing the
18 proposal in principle, I would have to advise you that
19 Mr. Hunter's clients have asked me to so indicate and
20 they indicated for four reasons.

21 I won't go on to the proposal that they
22 make at this time until such time as we get into the
23 substance of the discussion, but the four basic reasons
24 why Mr. Hunter's clients oppose the proposal is as
25 follows:

1 Firstly, they cannot attend; secondly, no
2 native community visits are proposed; thirdly, they are
3 concerned about the discretion that will be exercised
4 by the Ministry of Natural Resources during the course
5 of the site visits.

6 THE CHAIRMAN: Sorry, that second point,
7 no native...?

8 MR. CASTRILLI: No native community
9 visits--

10 THE CHAIRMAN: Community visits.

11 MR. CASTRILLI: --are proposed in the
12 material provided to us by Ms. Murphy.

13 The third matter raised was discretion
14 that will be likely exercised by the Ministry during
15 the course of the site visits; and, fourthly, Mr.
16 Hunter's clients cannot afford to pay the costs of
17 attendance on the one or more site visits.

18 I would add, that last point is a concern
19 that my clients have as well, but I believe we can deal
20 with that once we have heard Ms. Murphy's comments.

21 THE CHAIRMAN: Very well.

22 Mr. Edwards?

23 MR. EDWARDS: Thank you, Mr. Chairman.
24 My clients have no opposition in principle at all to
25 the idea of site visits; however, I will have some

1 submissions to you. I suppose the appropriate time is
2 after Ms. Murphy's proposal is made with respect to who
3 ought to attend.

4 Timing, I think is not a particular
5 problem or an issue, but certainly we will be making
6 submissions that a representative of NOTOA ought to be
7 included in the persons attending, although the
8 specific individual will probably change depending upon
9 the region.

10 THE CHAIRMAN: Very well.

11 MR. CASSIDY: I am just going to
12 indicate, Mr. Chairman, that my clients are in support
13 of the proposal for the site visits subject to
14 submissions that we have on content and some procedures
15 involved which we can deal with at the appropriate
16 time.

17 THE CHAIRMAN: Thank you.

18 Very well, Ms. Murphy, let's go to it.

19 MS. MURPHY: Mr. Chairman, I should
20 advise you, first of all, I hope this isn't a
21 disappointment, my submissions today are almost
22 procedural in nature.

23 It is our view that that is quite
24 important to this matter, that we find the appropriate
25 method for organizing this visit so that it meets the

1 procedural requirements of natural justice and, at the
2 same time, provides to the Board an opportunity to see
3 the activities and other areas of interest that are
4 important to understand for this hearing.

5 And I pointed out that in order to deal
6 with this motion, I would suggest that you need the
7 Notice of Motion, you will need also a document
8 Proposal for Site Visits for the Environmental
9 Assessment Board that was attached to the Notice of
10 Motion.

11 THE CHAIRMAN: We have it.

12 MS. MURPHY: And also that document I
13 just gave you a few moments ago called Order Sought, in
14 which I tried to set out as clearly as possible what
15 our view as to this procedure ought to be.

16 And just before I begin, I would ask you,
17 looking at the Proposal for Site Visits to note, first
18 of all on page 2 of that document, at the bottom of the
19 page, we have set out, in our view, what should be
20 considered the objectives of the visit and we have
21 suggested that the objectives of site visits related to
22 the Class Environmental Assessment for Timber
23 Management on Crown Lands in Ontario would be:

24 To provide to the Board an introduction
25 to the various forest types and regions in the area of

1 the undertaking, to provide to the Board examples of
2 timber management activities that are in progress, and
3 to provide to the Board an overview of results of past
4 timber management activities.

5 Those being the major objectives of the
6 visit in our view, and in discussion with various
7 persons, I haven't had anyone ask any questions about
8 that.

9 The other matter I would just like to
10 draw your attention to at the beginning of this is on
11 the second page, again at the bottom, where we point
12 out that this sort of visit does have logistical
13 constraints and we have attempted to clarify that by
14 explaining that the number of people to attend and the
15 length of time available are two main factors which
16 pose some restrictions on several aspects of the site
17 visit.

18 Restrictions would be encountered in
19 regard to the mode of travel and round-trip distance
20 which in turn will affect the final choice of stop
21 locations on the site visit as, obviously, the number
22 of people attend get larger.

23 Those are the major points I would like
24 you to bear in mind before we begin.

25 THE CHAIRMAN: Well, I think we have to

1 devise some organizational structure proceeding through
2 this exercise, and rather than just putting in a mass
3 of proposals or suggestions, why don't we sort of take
4 them as we go along and just see what the feeling is.

5 Now, although the Board will seek, where
6 it can, a consensus amongst the parties as to this
7 proposal and the elements of this proposal, it may not
8 ultimately decide the issue based solely on consensus,
9 but it is helpful I think for the Board to get a sense
10 of where the parties stand on some of these issues.

11 Do the parties here -- let's just deal
12 with objectives. Do the parties have any major
13 concerns with the objectives that have been put forward
14 by the Ministry as the purpose behind these site
15 visits?

16 MS. SEABORN: I think maybe, Mr.
17 Chairman, we should go back to your first comment which
18 was if people have comments or submissions of a generic
19 nature then they should make them early on, and I think
20 maybe I will revise of my position and it will be more
21 helpful to the Board if we put our total position on
22 the record now, because I am going to have some
23 difficulty in dealing with the proposal such as number
24 of people to go along and then, say, location on a
25 piecemeal basis as you have suggested.

1 MS. MURPHY: Well, Mr. Chairman, if I
2 might. In fact I agree with my friend that I do think
3 it would be difficult to deal with all of the thoughts
4 here in a piecemeal basis, but I suspect that my
5 presentation of this material would probably take less
6 than half an hour from beginning to end and, being the
7 moving party, it might be wise for everyone to hear the
8 whole presentation from beginning to end, which does in
9 fact fit together, in our view, and that would allow
10 them then to speak the issues that I think are...

11 THE CHAIRMAN: Okay. Why don't we
12 proceed in that manner: Put your proposal on the
13 record and then we will go back and deal with both the
14 generic issues and then move on to the specific items
15 of the proposal.

16 MS. MURPHY: I would ask you then to look
17 at that document, Order Sought. And the matters that
18 we wish to raise today, first of all, would be with
19 respect to the number of persons to attend the proposed
20 site visits and the method for identifying such
21 persons; and, secondly, to deal with the procedure for
22 organizing site visits.

23 And in this document I have set that
24 procedure out -- our proposed procedure out in a series
25 of steps and I would like to speak to each one of them,

1 but just to have a look at the steps that we are
2 proposing.

3 First, that MNR provide a basic map
4 indicating an expected location of timber management
5 activities in a particular proposed area.

6 The second would be that, upon
7 identification of the number of people to attend the
8 proposed site visit, MNR would provide a more detailed
9 proposal. In my motion I call it a Preliminary
10 Suggestion. This proposal would be provided to such
11 persons as MNR as directed by the Board.

12 In step three, the Board and any other
13 person who wished to do so. We provide suggestions for
14 further areas of interest to be included in this or
15 subsequent site visits.

16 The fourth step would be that OMNR would
17 provide a travel guidebook based on the preliminary
18 suggestions of the Ministry and the suggestions from
19 the Board and other parties. Then the travel guidebook
20 would be provided to such persons as we are directed to
21 provide it to by the Board. And that would be
22 introduced as evidence prior to the site visit.

23 And then step 6 is noted that the Board
24 makes a report, essentially procedural - and I will
25 speak to that at the end of my comments - in accordance

1 with Rule 39(2).

2 Now, to look at each one of those in
3 step. First of all, you will recall that we mentioned
4 when we asked for the return of this motion, that we
5 would be proposing at least three visits of this
6 nature.

7 The first one in our proposal would be in
8 the northwest in the summer of 1988, and that is the
9 one we are here to discuss today, and we are proposing
10 of course the week of the 18th of July.

11 We are also proposing a second visit. At
12 this stage we would suggest that should be in the
13 northern area of boreal clay belt, perhaps in the
14 winter of 88/89, and we propose a third visit in the
15 southeast in the hardwoods of the Great Lakes-Saint
16 Lawrence, and that we would propose for the spring of
17 1989.

18 Now, I think at this point it would be
19 wise to bear in mind that we fully expect that
20 suggestions may come from various persons for other
21 site visits during these hearings, either at this
22 location or elsewhere.

23 It is certainly not our intention that
24 this proposal would preclude the ability to engage in
25 other visits. Here we are concerned about a proposal

1 for organizing this sort of visit, but this wouldn't
2 limit any other kind of visits to specific locations at
3 any other time, of course.

4 Now, with respect to the proposal and
5 what we have indicated as Step 1: MNR to provide a
6 basic map. What we have brought today - and, in fact,
7 I am afraid that is a little far over in order for
8 anyone to be able to see - but what we brought today is
9 an example of what we had in mind as this first step,
10 the basic map. Perhaps if we could bring this a little
11 bit closer.

12 Mr. Freidin thought he would be able to
13 rest during this part. Thank you.

14 We prepared this as an example so that
15 you can see what we had in mind at this stage. This
16 map -- first of all, it is a series of four national
17 topographic series maps that have been put together.
18 They are at a scale of 1 to 250,000. The names of the
19 national topographic series maps are Dryden, Ignace,
20 Sioux Lookout and Lac Sul.

21 The area, when fit together, covers all
22 or part of the MNR districts of Dryden, Ignace, Sioux
23 Lookout and Red Lake. The general area is, in radius,
24 about 120 kilometres from Dryden, from the centre.

25 You will see at the top the title of the

1 document as it is now, is: Proposal for Environmental
2 Assessment Board Site Visit, Summer 1988.

3 I had some concern about whether this
4 should be made an exhibit and just to advise you why I
5 have a concern, it is possible we could use this and
6 add to it further information. If it is thought
7 advisable to make it an exhibit, it may be best to make
8 the overlay an exhibit so that other things could be
9 added to it.

10 If you would just consider that and
11 decide if it is wise to make the document an exhibit.

12 THE CHAIRMAN: Well, I think until we
13 have agreed to anything in terms of whether a site
14 visit is going to take place and where it is going to
15 take place, we should not be putting anything on the
16 record in terms of evidence, because it is not really
17 evidence at this point in time.

18 MS. MURPHY: Yes.

19 THE CHAIRMAN: It does not prove
20 anything, it is a map that you are putting forward and
21 the Board has not agreed to anything, nor have the
22 parties expressed their positions on it, in any event.

23 MS. MURPHY: Yes, that was my thought.
24 And I just thought we would bear in mind, if in future
25 it was considered, we should keep in mind that this is

1 an overlay.

2 At the bottom right-hand side there is a
3 legend and it explains that on the map you see
4 activities indicated in red, which show access roads,
5 construction and reconstruction; in blue, areas where
6 harvest is expected to take place; brown shows
7 site-preparation activities; green shows projected
8 planting activities; orange shows projected prescribed
9 burn; and, in purple, there are shown some expected
10 maintenance and tending operations.

11 There is some further notes there that
12 you should bear in mind. The notes there indicate that
13 the coloured dots on the map indicate approximate
14 locations only at this time, that the dots are not to
15 scale, that those dots are there as the best estimate
16 now of locations of activities that would be taking
17 place in July.

18 In addition, the notes indicate that this
19 map is prepared for discussion purposes and that the
20 information that is on the map would be refined and
21 updated following this discussion.

22 The notes on the map also indicate that
23 in no sense would any site visit be able to visit all
24 of those locations that are indicated on the map, and
25 that selection of actual site visit locations would

1 depend primarily upon timing of activities in July, the
2 mode of travel chosen, and the vicinity of other
3 visits. And that map is dated June 13th, 1988.

4 So that the map is compiled from basic
5 information provided from district offices, and the
6 purpose is to give a forecast of the general locations
7 of areas of timber management activities that are
8 expected at this point to take place in a time window,
9 roughly now, July.

10 Again, the general level of detail is to
11 show general location and to identify activities and
12 that the actual area and method of operation would have
13 to be identified and that information given
14 subsequently.

15 The main benefit of looking at this map
16 is to show the general distribution of activities
17 anticipated in that area at this time and to form the
18 basis for discussion, which indeed it has. We have had
19 the opportunity to discuss this map and the information
20 on it with a number of people who are present here
21 today.

22 One other thing that I think would be
23 interesting for you to know, Mr. Chairman, and members
24 of the Board, in this particular area there are
25 examples of all three kinds of management units. There

1 are forest management agreement areas - I believe there
2 are 3 - there are two Crown management units, and one
3 company management unit in that particular area and
4 especially in the area where the activities are shown.

5 The activities that would be taking place
6 in that area also range from small operators right up
7 to the largest companies.

8 Now, given our ability then to put this
9 level of information on a map and to have some
10 discussion with people, once we are in a position where
11 we have an idea how many people we are dealing with and
12 what mode of travel we are dealing with, we then
13 propose to go to what we call Step 2.

14 In Step 2 - and for this first visit in
15 our Notice of Motion, we have suggested that we would
16 have a seven-day deadline for meeting Step 2 - and I
17 have to advise you that it is a bit onerous to do that,
18 but we are prepared to give that a try.

19 In Step 2 we would propose to provide to
20 specific persons a more detailed set of information
21 which, as I noted in the Notice of Motion, I called a
22 Preliminary Suggestion. That documentation would
23 include an identification of the proposed itinerary and
24 an indication of proposed stop locations, with some
25 detail on the actual activities expected at those

1 locations. This is the part that Mr. Kennedy has been
2 helping me with, this is called connecting the dots.

3 The point that has to be added to that is
4 that there are a number of other areas of interest that
5 the Board, and people here, are interested in having
6 the Board see. And so that in starting by identifying
7 activities that are on-going, we are also able, as the
8 second part of this documentation, to add suggestions
9 for viewing other areas of interest.

10 And, for information purposes, if you
11 look at that document again, Proposal for Site Visits
12 for the Environmental Assessment Board, on page 11 we
13 have indicated that there are -- in addition to
14 on-going activities, there are other projects and areas
15 of interest that should be added to these visits and we
16 have explained that - that was at page 11 at the top -
17 that it may be possible to incorporate into the tour,
18 several areas which may hold special interest for the
19 EA Board members.

20 The timing of operations and locations
21 being visited would influence the ability to visit some
22 areas, some things of course being seasonal or simply
23 not occurring in different locations. In order to make
24 necessary arrangements, an indication of the types of
25 areas of interest is required early in the planning

1 stage of the site visit, and if a request can't be
2 accomodated in this, we would suggest that we put it
3 into another one.

4 We have made a list of the kinds of
5 things that we thought people would be interested in
6 and the Board would be interested in seeing, that would
7 be in addition to simply visiting actual areas of
8 activities. It would give you an opportunity to see
9 the results of past activities and also an opportunity
10 to see other areas of interest that are of interest to
11 other parties.

12 We have given a list here, and I might
13 add, that in discussion with my friends here I have
14 already had other suggestions for things that could be
15 added to that list. We have had suggestions that the
16 Board may be interested in taking a tour of a mill or a
17 tour of a tree nursery, a tour of a fish hatchery,
18 areas of natural and scientific interest, wild fire
19 locations - I suppose, after - and native communities
20 of course. And it is, in fact, the ability for us to
21 respond to peoples' suggestions that would make this
22 kind of proposal work.

23 So in the end, then, at the end of this
24 step, we would provide a proposed itinerary, proposed
25 stop locations with some detail on actual activities

1 expected in those locations and proposed other areas of
2 interest.

3 I have also been advised we should also
4 put in some options given that we may have some
5 difficulty with weather.

6 Now, once people have been given that
7 documentation, our next step would provide that at that
8 stage other parties, or the Board, could give us
9 further suggestions if they have other things that we
10 have not yet mentioned, and that would allow us to add
11 those into the tour and into the book, in fact, that we
12 are suggesting would be the final result of all of
13 this.

14 So in preparing the final, what we call
15 the travel guidebook, we would attempt to accommodate
16 all of the requests or any of the requests that are
17 made. And, of course, again, if persons have those
18 suggestions now, it is better to hear about it now than
19 later.

20 Finally then, based on all the foregoing,
21 that this travel guidebook, similar to the one that we
22 have given out as a very small example, would be
23 prepared and the book would be circulated to identified
24 parties and ultimately filed as evidence. And our
25 suggestion was that that would actually be put in, in

1 the hearing through a witness, preferably the person
2 who would act as the guide; persons who attend would be
3 able to ask questions or let the Board know if they
4 have any concerns; and we have also suggested in our
5 material that it may be wise to schedule that kind of
6 presentation perhaps on the last day of the week
7 previous to the visit, if that would make things easier
8 for some of the parties who are travelling to Thunder
9 Bay and may wish to have this dealt with on a date
10 previous to the week of the visits so they wouldn't
11 have to come back for one day.

12 And the final step that we have mentioned
13 is the Rule 30 - whatever it is - 32.6 or 36.2...

14 THE CHAIRMAN: 39.

15 MS. MURPHY: Right. There is only one
16 reason for mentioning that, Mr. chairman. It occurred
17 to us that during the visit the Board may, in fact, see
18 something that they would wish to visit, to look at
19 that wasn't in the book and we simply thought that if
20 that were the case, the Board shouldn't be constrained
21 in any way from seeing whatever they might happen to
22 cross, and given that there is the opportunity at the
23 end to simply report then, in addition to the simply
24 procedural requirements of this, the Board could also
25 indicate: And we also went to two other places. So I

1 thought it would be wise to keep that in mind.

2 It is our suggestion that this procedure
3 for planning site visits gives people notice of what we
4 have in mind, it also provides for input by other
5 persons, and it provides final information and an
6 opportunity to discuss the matter before the Board and,
7 as a final sort of benefit, it does provide the people
8 the book with all of the information in it which would,
9 at some subsequent time, allow anyone who is interested
10 in it to perhaps visit some of the sites that the Board
11 had visited as well.

12 Again, it is important to bear in mind
13 that this is evidence and that it is necessary to
14 provide the basic requirements of natural justice and I
15 assure you that we have been thinking about this very
16 carefully.

17 It was also our view, however, that it
18 would be very difficult to deal with procedural
19 requirements without having some substance and, for
20 that reason, we have put in a proposal so that it would
21 be possible to consider how one might go through this
22 procedure and, at the same time, see something concrete
23 that it would relate to.

24 To speak then to what I have here as the
25 first issue, second; and that is really the question of

1 the number of persons who attend the proposed visits
2 and a method for identifying those persons. And I am
3 sure you appreciate the major issue driving the actual
4 itinerary and the location visits is the method of
5 travel and that, in turn, is driven by the number of
6 persons.

7 I have basically three alternatives, and
8 I would suggest that the first alternative, which is in
9 many ways the preferred alternative, would be for the
10 Board and guide to go alone in one helicopter.

11 The reasons for restricting the number to
12 quite a small group is that a small number of people
13 gives maximum flexibility to the people on the visit.
14 With a small group, one can use one mid-sized
15 helicopter, that gives a much -- well, that gives a
16 larger range of possible landing sites, for example,
17 and it also gives more flexibility in travel, in length
18 of travel, and in visiting various locations.

19 It gives the people who are on the trip
20 better -- well, the best visibility and finally, and
21 frankly, it is easier to handle the ground support for
22 a small group of people, and that includes things like
23 meeting the helicopter at various places in a van,
24 moving people around and that sort of thing.

25 It is our view that if that alternative

1 is chosen, that the procedural rights of other parties
2 would be protected by the procedure -- rather lengthy
3 and involved procedure that we have proposed, and their
4 ability to speak to the specifics of the proposal.

5 THE CHAIRMAN: Does this first proposal
6 mean that the Board and a guide would be the only
7 persons on the visit?

8 MS. MURPHY: That would be the first
9 alternative.

10 THE CHAIRMAN: There would be -- nobody
11 else would be following along behind?

12 MS. MURPHY: Correct.

13 THE CHAIRMAN: Okay.

14 MS. MURPHY: So that is the first
15 alternative and we would suggest the preferred
16 alternative. It is not so easy to follow along behind.

17 MR. FREIDIN: Without being seen.

18 THE CHAIRMAN: I can picture the comments
19 from the second or third helicopters watching the
20 first: They are banking to the left, and so everyone
21 banks to the left and, then: They are looking at
22 something on the right.

23 MS. MURPHY: That's right. I think you
24 are more concerned when you are in the second
25 helicopter and the pilot is saying: Where is he?

1 Where is he?

2 THE CHAIRMAN: Anyway, continue.

3 MS. MURPHY: The second alternative is to
4 have the Board and guide accompanied by up to six other
5 persons.

6 This alternative does reduce, to some
7 degree, the flexibility of the people on the trip. One
8 would use one large or two mid-sized helicopters for
9 the aerial portions of the visit and again then, that
10 reduces, to some degree, the flexibility, the kinds of
11 landing sites you could use, some safety considerations
12 and so forth. At the same time, one is still able to
13 see a range of sites and isn't totally a useless
14 activity by any means.

15 MR. MARTEL: Can I ask a question? What
16 is the difference with the first and the second, the
17 size of the planes aren't going to be that different.
18 Why did this become so difficult?

19 MS. MURPHY: Actually, with the first and
20 the second, if you have -- one mid-sized helicopter, as
21 we have pointed out in our material, holds only five -
22 I better check my information here - including, you
23 have to have a pilot.

24 MR. MARTEL: It helps.

25 MS. MURPHY: And four -- I think it was

1 five. I have got it right here.

2 On page 5 of my material you will see one
3 mid-sized helicopter holds four to five passengers, all
4 right. So that means that you can use one mid-sized
5 helicopter to take four to five passengers.

6 It is possible to use two mid-sized
7 helicopters together, in each one four to five
8 passengers. You really can't go above that. You can't
9 go more than two machines. It is really the safety
10 considerations that don't really allow you to go above
11 two machines, is my information, and you also can't
12 communicate. The logistics of it, once you get above
13 two machines, really makes it quite difficult.

14 If you have 10 persons, then you can use
15 two mid-sized helicopters or you can use one of the
16 large machines which holds ten. The large machine can
17 actually -- the largest one could actually hold about
18 twelve, but at least two or more people can't see
19 anything.

20 So if you are going to talk about the
21 number of people who could go on the trip and actually
22 see anything, the large machine holds about ten people
23 and, in addition, there is a limited availability; you
24 can only fly one of them at a time. So those are --
25 and this is dealing helicopters, you will notice I

1 haven't said anything about fixed-wing at this point.

2 So in looking at that second alternative,
3 if you have two helicopters or one large helicopter,
4 you can have the Board, a guide, and up to six other
5 persons accompanying the Board on that visit.

6 Again, we would suggest that the choice
7 of this alternative would comply with the requirements
8 of natural justice, given the procedure that we have
9 suggested, it protects the interests of other parties
10 by providing notice and input into the planning of it,
11 and information, as well as attendance, in this case,
12 on the visit by some persons. Of course, here the
13 issue is: How are we going to identify the persons to
14 accompany the Board if we are looking at this as the
15 alternative.

16 Now, I have had discussions with a number
17 of the people who are present here, and I have
18 suggested to them that they consider forming groups and
19 proposing nominees to fill up those spaces, if they
20 would prefer that alternative. Some of the people I
21 have discussed it with have indicated a preference for
22 sending technical people rather than counsel.

23 All of the people I have discussed it
24 with, and I think I probaby didn't mention this to Mr.
25 Williams, when I spoke to Mr. Williams he did advise re

1 that he simply didn't think he was able to go and I
2 don't think we discussed it any further, but it was
3 raised with everyone else including, by telephone
4 yesterday, Mr. Hunter.

5 Every person that I discussed this with
6 indicated they are interested in that idea and that
7 they would consider it, but no specific proposals have
8 been made to me, and I am hopeful that some proposals
9 will be made today to the Board.

10 Now, in looking at both of the first two
11 alternatives, in each case it would be a combination of
12 aerial and ground travel. But I think it is important
13 to bear in mind that it is essential, in looking at
14 this activity, to get the perspective from the air, and
15 it is also our view that using these combined methods
16 of travel is the most efficient use of time in order to
17 see the size of area.

18 Now, there is a third alternative, and I
19 think some words should be said about it -- a third
20 alternative that I would discuss, and that is to have
21 no limit on the number of people attending. Of course,
22 that immediately would mean you were restricted to
23 ground travel.

24 For the purposes of this sort of visit,
25 we recommend against this alternative; however, you

1 should bear in mind it is not impossible to accommodate
2 a larger number of people to see some of these
3 activities, but to do that places severe restrictions
4 on the locations visited and flexibility and reduces
5 the scope and variety of activities that you can see
6 and, as well, it reduces the scope and variety of other
7 areas of interest.

8 THE CHAIRMAN: Well, I think we might as
9 well not waste unnecessary time.

10 MS. MURPHY: Well, Mr. Chairman, I think
11 it is worth bearing in mind that that kind of travel
12 may well be something that would be a good thing to
13 consider in future when there is a suggestion that,
14 either from here or from one of the other locations for
15 this hearing, there is a specific site and a specific
16 activity that could be seen.

17 THE CHAIRMAN: Yes.

18 MS. MURPHY: That would be -- probably a
19 good alternative in that situation.

20 THE CHAIRMAN: Right. And I think the
21 Board was just going to suggest that for the purpose of
22 this initial flight visit, I think the Board would like
23 an overview of a lot of the areas, at least in this
24 part of the undertaking, which could only really
25 meaningfully be facilitated by combining aircraft and

1 ground transportation.

2 Certainly, not solely ground
3 transportation. We would miss too much of, I think,
4 what we would like to see and most of it can only be
5 seen from the air and we are covering great distances.

6 So I think we are probably looking at
7 some kind of combination of one or two and, once again,
8 I have been on some of these site visits before in
9 aircraft. I also fly a fixed-wing aircraft myself, and
10 I think the only way to do this properly is to do it by
11 helicopter which gives you the flexibility of being
12 able to land, get out, and take a closer look at
13 something, if that is what the Board chose to do, or if
14 that is what the itinerary called for.

15 So I think we are going to restrict our
16 sort of discussion, I think for the purposes of this
17 exercise, to considering which of the two helicopter
18 options would be appropriate given the number of people
19 that we finally decide should be accompanying us, if
20 any at all.

21 MS. MURPHY: All right.

22 THE CHAIRMAN: And some combination of
23 ground transportation for the times that we are on the
24 ground.

25 MS. MURPHY: And that obviates the need

1 to say anything about fixed-wing because I think...

2 THE CHAIRMAN: I mean, fixed-wing except
3 you cannot get close enough sometimes, you are going
4 too quickly to really appreciate what you are seeing,
5 to a large extent and, you know, it does not give you
6 much more of a perspective sometimes than an aerial
7 photograph.

8 And I think the Board would like the
9 flexibility of being able to hover over something and
10 take a longer look at something and go down, if
11 necessary, to take a look at something on the ground.

12 MS. MURPHY: You said it better than I
13 could.

14 Just a couple of housekeeping matters
15 then at the end. I have made suggestions that we
16 provide documentation, what I have called the
17 Preliminary Suggestion and also the travel guide book,
18 to such persons as directed by the Board.

19 I would suggest that the Board direct
20 that that material be provided to all persons receiving
21 full-time correspondence and perhaps made available in
22 depositories. We have suggested about three days.

23 We might ask the Board to consider three
24 to three and a half days for this trip, perhaps a
25 normal sitting week. We would have to consider whether

1 that would -- that sort of orientation session could be
2 fit into the week previous.

3 THE CHAIRMAN: The Board has given some
4 consideration to that part of the proposal as well and
5 we think if we are going to set aside some hearing time
6 for a site visit, we should go directly to where we
7 commence the site visit.

8 If Dryden is the place, then we would fly
9 from Toronto to Dryden, not come up here, and fit in
10 any orientation session the previous week, the end of
11 the previous week on the last day.

12 It does not make much sense to come here
13 for an orientation session and then have to go to
14 Dryden or from wherever we are going to commence this
15 visit.

16 MS. MURPHY: Right, we were just
17 suggesting that the other option would be if you were
18 in Thunder Bay the week before, that the orientation
19 could take place on the last day of that week so that
20 people --

21 THE CHAIRMAN: That is what we are
22 saying: The last day of the hearing here in the week
23 previous to when we would go, would be when we would
24 have this orientation session. And then on the Monday,
25 instead of coming here, we would go directly to where

1 we commenced the site visit.

2 MS. MURPHY: And finally, just for your
3 advice, I have spoken to -- given this information, we
4 have had an opportunity to speak to Mr. Cosman and his
5 client, Mr. Cotton and his client, Mr. Williams, Mr.
6 Castrilli, Mr. Edwards, Ms. Seaborn and her client, and
7 I had a chance to speak, late yesterday, with Mr.
8 Hunter and also separately with Mr. McKibbon earlier
9 about these matters. And I am certain most of these
10 people being here are prepared to speak for themselves.

11 That being the case, Mr. Chairman, we are
12 asking that there be an order that the persons
13 attending the site visits either be restricted to the
14 Board and guide or, in the alternative, to the Board
15 and six -- and guide with six other persons -- up to
16 six other persons, and I am afraid we are going to have
17 to hear what our friends have to say about how those
18 persons might be identified.

19 THE CHAIRMAN: Well, we would like to
20 hear as well parties' submissions with respect to which
21 of those two options they would like to see the Board
22 adopt, No. 1. No. 2, we would like some submissions as
23 well on the guide book that you are talking about.

24 Is this guide book, for instance, going
25 to be a straight factual account of the areas that we

1 would be visiting and a straight factual account of the
2 activities we would be seeing as opposed to anything
3 that has been editorialized in anyway since, I take it,
4 the Ministry is the one that is going to be preparing
5 it. That is one question for consideration. And what
6 input, if any, are the other parties going to have into
7 the preparation of this guidebook.

8 I do not think we want a situation of
9 having a guidebook prepared, distributed, presented or
10 followed by the Board in terms of the tour and then
11 have all the parties objecting to it by saying that it
12 unfairly presents the rendition of what we are seeing
13 and the activities that we are viewing and it is biased
14 in favour of the Ministry and, you know, all those
15 things that happen.

16 That is often why, when we have gone on
17 site visits in the past - even when parties are
18 present - and although we have had a guide to point out
19 something: That is a mill that you are looking at, or
20 that is a particular forest that you are looking at, or
21 whatever, we have restricted the comments to just that.
22 So that there is no explanation and no attempt by the
23 parties to put something we are looking at in a
24 particular light. It is really up to the Board to
25 decide and give whatever weight it feels it should give

1 to what it is viewing.

2 So I think those are some questions I
3 would like to hear some discussion on from the parties
4 as well.

5 MS. MURPHY: Yes. Well, Mr. Chairman,
6 just on that point. I can assure that we would make
7 every attempt to ensure that the material provided is
8 factual and only factual in nature.

9 There will always, I submit, be
10 discussion between people about whether they agree as
11 to the facts and/or where something is factual, where
12 something is editorial and that is going to be, in some
13 cases, a matter of subjective judgment.

14 That being the case, that is exactly why
15 we proposed that we would provide people with
16 documentation, at least two stages of the development
17 of it. It would give them an opportunity to comment,
18 as well as suggesting that, in the end, the document
19 itself would be put in as evidence at a time when
20 people would have the opportunity to ask questions,
21 make comment and so forth to the Board.

22 And so it is an attempt to exactly cope
23 with that.

24 THE CHAIRMAN: I think that last step
25 would alleviate some of the potential problems that

1 might exist because certain parties could indicate on
2 the record that they do not agree with a particular
3 statement in the book and put their own view forward as
4 to what that statement says or what it should have
5 said.

6 MS. MURPHY: And that's exactly the
7 concern that we had in attempting to propose this
8 procedure, to find ways to address specifically that
9 concern and to give people the opportunity to see the
10 development of the document at various stages, as well
11 as hear the document explained and have an opportunity
12 to ask questions, make comment and whatever they feel
13 it is in their best interest to do in that forum.

14 THE CHAIRMAN: Well, the other thing I
15 would like to just put forward is, is that the fact
16 that when you try and organize anything of this
17 vastness in terms of area that we would be covering and
18 activities we might be looking at, we are not going to
19 be in a position, I suspect, to satisfy everybody. We
20 will not be able to include everything that everyone
21 wants to see. Frankly, we would not be able to include
22 everything the Board might like so see. There are time
23 constraints, there are cost constraints and there are
24 all kinds of constraints.

25 And I suspect that whatever the itinerary

1 that is finally decided on comes down to be, not
2 everybody is going to be happy and people are going to
3 say -- or some parties might say: Well, you know, we
4 wanted to go here and this was excluded.

5 I think all the Board can say is the
6 Board will do its best to get as broad an overview of
7 the variations in the various types of activities that
8 it feels is possible within the time constraints that
9 we do have to see.

10 I want it clearly understood that this is
11 the first of more than one site visit, there will be
12 others. It may not be in this particular location, but
13 then again, if something develops in the evidence
14 further on that necessitates a return visit to a
15 specific location, the Board may well consider doing
16 that in addition.

17 So that some of these activities that
18 some people want viewed by the Board or feel that the
19 Board should be viewing to better understand the
20 evidence, might be included in a future visit in this
21 area or some other area.

22 So I think when the parties are going
23 through the exercise of planning the detailed
24 itinerary, they should bear that in mind, that there
25 has to be some compromise. And I am sure, as we look

1 around the room in terms of the full-time parties, the
2 parties in full-time attendance, there are not that
3 many of them and, in consequence, I would suggest that
4 many of the interests represented by the parties in
5 full-time attendance could probably be accomodated in
6 at least the first visit.

7 In other words, each of the parties
8 saying to themselves that, you know, there is one
9 specific activity or area that we would like to Board
10 to visit. It may coincide with what their particular
11 client's interest represents, or it may not. But I
12 think there is the possibility, given the numbers we
13 are dealing with here, to accommodate some request from
14 at least each distinct party or the interest that they
15 represent.

16 So that I guess what I am saying is
17 everybody is going to have to participate in this
18 exercise using some degree of accommodation, both
19 amongst themselves and realizing that the Board cannot
20 see everything and will not be able to visit every
21 particular location that parties might think are
22 appropriate.

23 Now, I suppose at this point we can enter
24 into some discussion with the parties themselves.

25 Firstly, let's go back to the concept of

1 whether or not there should be additional parties
2 accompanying the Board as opposed to the Board going by
3 itself with a guide.

4 I take it this guide, Ms. Murphy, that
5 you are talking about is who? Is that somebody
6 provided by MNR?

7 MS. MURPHY: Yes, Mr. Chairman. We would
8 propose for at least the first one that we send one
9 person who is familiar with the planning of the tour
10 and also familiar with the area. In that case, it is
11 Mr. Kennedy.

12 THE CHAIRMAN: And --

13 MS. MURPHY: And he would also, in our
14 submission, be the person who would in fact be the
15 witness through whom the document would be put in, so
16 he would be the person to whom people could direct
17 inquiries and the Board could ask questions.

18 THE CHAIRMAN: What is Mr. Kennedy's
19 background or expertise or...

20 MS. MURPHY: Well, for ten years Mr.
21 Kennedy was in the Dryden office as a forester and was
22 the timber supervisor until last year and, if you wish,
23 we will certainly be providing Mr. Kennedy's Curriculum
24 Vitae.

25 THE CHAIRMAN: Okay.

1 MS. MURPHY: I am also certain that Mr.
2 Kennedy has been told that he is to simply act as the
3 person who helps the helicopter pilot find the
4 locations. He would limit himself to that, and if he
5 is also told that he is to only answer questions when
6 spoken to, he would limit himself to that.

7 THE CHAIRMAN: Well, again, I think there
8 has to be some degree of trust amongst the parties, if
9 we were considering this alternative, and that is: The
10 Board will assure everyone that it will not permit, if
11 this is the alternative chosen, any comments other than
12 those of a completely factual nature. It will not
13 entertain any discussion with the guide or the pilot,
14 other than a very factual description in the sense of
15 pointing out to us something that we are looking at.

16 Obviously, we are not familiar with many
17 of the activities or areas that we will be viewing and
18 so, you know, we would not get as much out of it if we
19 just went by ourselves and looked out the window and
20 really did not know what we were looking at.

21 But apart from that, there would not be
22 any discussion permitted, and we can assure the parties
23 that that is the practice of the Board in connection
24 with site visits where somebody else accompanies the
25 Board.

1 So, having said that, I would like to hear
2 from some of the other parties with respect to option
3 No. 1 and option No. 2.

4 Ms. Seaborn, perhaps you can lead off.

5 MS. SEABORN: Mr. Chairman, perhaps I
6 could go a bit further in my comments and just deal
7 with the issue of site visits generally, because I
8 think I will have some difficulty in focusing in on
9 your specific request.

10 THE CHAIRMAN: Okay.

11 MS. SEABORN: As I indicated last
12 Thursday when Ms. Murphy filed her Notice of Motion, we
13 have some comments to make with respect to site visits
14 generally prior to addressing the specifics of MNR's
15 proposal.

16 Now, Mr. Chairman, throughout the
17 preliminary hearings, the Board indicated its desire
18 and intention to embark on site visits and, as pointed
19 out by Ms. Murphy, such visits are specifically
20 contemplated by Rule 39 of Board's Rules of Procedure.

21 It is also my recollection during the
22 preliminary hearings that the Board indicated that it
23 was premature at that time to hear submissions as to
24 how site visits should be organized and, in fact, when
25 the Board issued its procedural directives at the

1 conclusion of the preliminary hearings, the matter of
2 site visits was not addressed in those directives.

3 Now, it is our submission that the purpose
4 of a site visit is to enable the Board to follow and
5 apply the evidence that is presented before the Board
6 in the hearing room. Now, a site visit or taking a
7 view, as it is often referred to judicially, is also
8 for the purpose of enabling the Board to understand the
9 various issues that are being raised before the Board.

10 Now, it is our position that because the
11 purpose of a site visit is to assist the Board in
12 understanding the evidence that is presented during the
13 course of the hearing, a site visit should not be
14 viewed as being part of any party's case.

15 And, to put it another way: It is our
16 view that the site visits should be structured in such
17 a fashion as to allow the Board to see not only what
18 the proponent thinks is important, but also what other
19 parties submit would assist the Board in understanding
20 their evidence when it is presented.

21 Now, I appreciate that in the
22 circumstances of this hearing we are not dealing with
23 one site, as would be the case, an example, a hearing
24 examining a landfill or a waste disposal site where the
25 parties can go out and look at a site and, for that

1 reason, the Board should obviously embark upon a number
2 of visits, and to just take one visit would not give
3 the Board, I submit, an overview.

4 However, a series of site visits should be
5 structured at the outset in such a way as to ensure
6 that the Board sees a variety of operations and not
7 just the operations identified by the proponent. And I
8 acknowledge that the proponent has in their material
9 asked and specifically said that they are quite
10 prepared to incorporate other parties' suggestions and
11 we welcome -- we thank them for that opportunity.

12 But it is also our submission that because
13 the purpose of a site visit is to assist the Board in
14 understanding the evidence presented during the
15 hearing, it cannot be viewed as part of any party's
16 case.

17 And that is the problem I get into, the
18 specific example, we will say the travel guide. If we
19 have, for example, Mr. Kennedy on the stand giving
20 evidence and entering a travel guide into evidence,
21 does that travel guide then become part of the
22 proponent's case and other parties are going to
23 cross-examine?

24 I have a great deal of difficulty with
25 the concept because this site visit is being organized

1 during the presentation of MNR's evidence-in-chief,
2 that then a document or other documents would then go
3 into evidence at this point, and clearly form part of
4 the MNR's case.

5 The reason why I have difficulty with
6 that concept is that I think, by its very definition,
7 it then raises an obligation on other parties when
8 calling their evidence, to say: Well, we better
9 organize something of similar magnitude because we have
10 to match what the proponent is doing.

11 And I think that while -- I don't think
12 that would be the Board's intention, that I think would
13 be the impression that would be left on the record by
14 having the matter proceed in that fashion.

15 Now, as I said and as the Board and I
16 think, Mr. Chairman, you indicated on the record last
17 Thursday that site visits must be structured in such a
18 manner that they are not slanted in favour of any one
19 party.

20 Now, what we propose is that the Board
21 should issue procedural directives to MNR directing MNR
22 to arrange site visits in such a way that all parties'
23 submissions on where the Board should go and what the
24 Board should see be incorporated into any site visit.

25 Now, if you could just turn to the

1 specific proposal put forward by MNR, and on page 11 of
2 that proposal is a Section 9: "Other projects or areas
3 of interest." Now, what MNR says is that: "It may be
4 possible to incorporate into the tour several areas
5 which may hold special interests for the Board
6 members:" And then further down the paragraph, MNR
7 says: "If the request cannot be accomodated on this
8 visit, then it will be kept in mind for subsequent
9 visits. The following is a sample list of areas which
10 the EAB might like to see at some time."

11 Now, our difficulty with the way this
12 proposal is set up is that, first of all, we think the
13 Board should be indicating in its directions to MNR the
14 sorts of activities that the Board would like to see,
15 that's the first point; and, second, that the Board
16 should also be indicating in its directions other areas
17 that the other parties want to see. And, in order for
18 that to work, there should be an opportunity for other
19 parties to submit to the Board, either in a written
20 form in order to accommodate parties who are not in
21 full-time attendance in Thunder Bay, the sorts of
22 activities that those parties would like the Board to
23 see.

24 And as, Mr. Chairman, you indicated,
25 there is not going to be an opportunity for the Board

1 to see everything and some choices are going to have to
2 be made. And I would say that that's not unlike some
3 of the choices that the Board had to make in its first
4 round of procedural directives with respect to
5 satellite hearings, where the Board heard a number of
6 submissions as to where satellite hearings should take
7 place.

8 I think there should be put forward a
9 number of options of the sorts of operations the
10 parties want the Board to see and the Board should then
11 be issuing directives to MNR to organize the site
12 visits in a way that, over the course of the next 18
13 months, those different operations are covered in
14 different site visits.

15 And I think that -- the reason why I
16 think that's important is because, if the process can
17 be structured in such a way that the input is made for
18 any geographic locations or trips or plans, I think it
19 is easier for any party to take the position that the
20 Board can go alone with the guide. And that's why I
21 say that, if we look at this particular proposal, we
22 are in the position where we are looking first at a
23 geographical area and then we are saying: Okay, for
24 whatever reason we are going to take the Board to this
25 geographical area and then we are going to try and fit

1 in a site visit that will accommodate different
2 interests of the parties.

3 Now, Ms. Murphy referred to her steps or
4 procedures for organizing site visits, and the
5 procedure seems to be to pick the geographic area first
6 and then have the suggestions as to what the Board
7 should go and see within the geographic area.

8 As I said, it is our position that a site
9 visit should be approached from the point of view of
10 the Board determining the sorts of operations it wants
11 to see.

12 THE CHAIRMAN: But, surely, Ms. Seaborn,
13 we are dealing with an undertaking that covers half the
14 land mass of Ontario.

15 MS. SEABORN: Yes.

16 THE CHAIRMAN: An area of the
17 undertaking. It is not possible, in the course of what
18 we are proposing to spend, which is, say, three and
19 half-four days, to see the whole thing, and we have
20 clearly indicated that we are going to take additional
21 site visits, obviously, to cover additional areas.

22 I mean, maybe I am the only one, but I
23 can see nothing wrong with, as a starting point, taking
24 a geographical area and at that point in time trying to
25 determine within that geographic area what activities

1 (a) are taking place, because different activities may
2 not be taking place in every area; and, secondly, how
3 many reasonably could be accomodated, and the Board
4 takes your point as to activities that the Board wishes
5 to see, as well as taking into account, to some extent,
6 what the parties would like the Board to see.

7 But I do not know how you can organize it
8 within the time constraints that we have got on other
9 than an area basis, bearing in mind that we will be
10 covering other areas involved in the undertaking itself
11 at a future date.

12 MS. SEABORN: Well, it seems to me, Mr.
13 Chairman, that parties can easily and, as I said at the
14 outset, MNR's list of the sorts of areas that the Board
15 or other parties might like to see is an excellent list
16 from our client's point view and we are very happy with
17 that list.

18 What we are concerned about is that if we
19 go through these site visits and say: Well, we chose
20 three geographical areas, and as it turned out we
21 weren't able to see, for example, an eroded site or a
22 protection forest and production forest in any of those
23 areas, too bad, we tried or these operations weren't
24 going on, then they may not be of such much value.

25 So all I am suggesting is that there

1 be -- that how it should work - and as I said, this is
2 something that I think the Board should look at for
3 organizing -- for looking at organizing future site
4 visits, otherwise we are going to be in a position of
5 every time we have a proposal for a site visit having
6 to discuss the specific proposal. And I think we may
7 be able to get around that if there is a process set up
8 at the outset.

9 THE CHAIRMAN: Well, I am not sure that
10 the process that should be set up is one whereby all
11 parties to the hearing who are not present at the
12 hearing should have the opportunity to comment either
13 in writing or otherwise. Frankly, I think it is too
14 unwieldy.

15 Every time we deal with a procedural
16 matter at this hearing, we cannot just shut everything
17 down and say: Okay, we are now going to distribute
18 something to everybody on the party list and receive
19 everybody's comments before we can move along and make
20 a procedural determination of something.

21 MS. SEABORN: Well, I agree with you, Mr.
22 Chairman, in terms of the normal procedural matters
23 that come up on a day-to-day basis, but it is our
24 position that site visits are significantly important
25 and were something that the Board raised at each one of

1 its preliminary meetings, that there has to be
2 something that goes out to all parties so that parties
3 can then at least let the Board know where it is they
4 would like them to go, and the Board may have to make
5 choices.

6 Now, I recall there were a number of
7 unrepresented parties at the satellite areas that we
8 visited who said they hoped the Board would view
9 operations in their areas. And, again, we would say
10 that once we get to North Bay, Sudbury, a specific area
11 in the satellite hearings, it may be that the Board, as
12 you said, will choose to go alone on a day site visit
13 and that's fine, I don't have any objection to that at
14 all and that's not the problem.

15 All I am saying is that for site visits,
16 I think in order to satisfy our concerns, there has to
17 be something more from the Board in terms of directions
18 to MNR that gives us comfort that the items that are
19 referred to on page 11 will in fact be included in
20 future visits. That's really our bottom line in terms
21 of what the Board goes and sees, and also we think the
22 Board should be giving some direction to MNR as to what
23 it should see.

24 And, as I said, I have some difficulty
25 with the concept of a guidebook going in as evidence at

1 the hearing just because I think it may cause more
2 problems than it solves in terms of whose evidence it
3 is, are people going to be cross-examining Mr. Kennedy
4 or any other person who prepares such a document, and I
5 am not sure for the purpose of a site visit - given how
6 I have defined a site visit - is something to assist
7 the Board in understanding all the evidence it hears,
8 that that sort of the procedure is necessary as it may
9 just complicate matters.

10 Those are my comments.

11 THE CHAIRMAN: Thank you.

12 All right. Can we have some comments
13 from other parties. Mr. Castrilli or Mr. Edwards?

14 MR. CASTRILLI: Mr. Chairman, if I go
15 next I was going to propose the mid-morning break
16 because I don't think I am going to be short.

17 THE CHAIRMAN: Very well.

18 MR. EDWARDS: I don't believe I will be
19 very long, Mr. Chairman.

20 THE CHAIRMAN: All right. Why don't we
21 go ahead with you, Mr. Edwards, and then we will take a
22 break, Mr. Castrilli, and then get back to you after
23 the break.

24 MR. EDWARDS: Mr. Chairman, there are a
25 number of concerns that my client has with respect to

1 the proposal. We consider it to be a very significant
2 proposal. That the timing is a minor issue. The week
3 of July 18th doesn't happen to be the most convenient
4 of all possible weeks, but we are not going to take any
5 strong objection, however, if it is moved from that week
6 we would in fact support that rather than oppose it.

7 On the issue of step 1, the maps: The
8 MNR is to provide a basic map and indeed we have seen
9 this map here. It is our position that the map which
10 is provided is interesting but not perhaps as helpful
11 as it could be. The reason for that is: If this is
12 the only copy that's provided, it is going to create
13 great difficulties for my client, obviously the people
14 who have site-specific or region-specific information
15 are scattered throughout the entire north and it is not
16 that we have the vast facilities of the MNR, so it
17 would be hoped, first, that not only the map but the
18 overlay would be provided so that copies could be
19 circulated amongst the clients of the parties.

20 And it seems as well that the map is on a
21 massive scale. I mean, obviously it deals with an area
22 larger than many countries in Europe and it would seem
23 that, as time progresses, more site-specific or perhaps
24 different scale maps ought to be provided with
25 overlays. The overlay is extremely helpful.

1 With respect to the area that is proposed.
2 It seems a bit strange that when we are here in Thunder
3 Bay that the focus seems to be on areas which are
4 hundreds of miles from here.

5 The activities which are sought to be
6 examined occur in this district and this region as well
7 and they would be much more accessible to a larger
8 number of parties if they were accessed from Thunder
9 Bay, and it seems - I don't know if the theory is that
10 the forest is always greener on the other side of the
11 district boundary - but it seems strange that we are
12 not examining activities close at hand because that
13 would allow for road access to be very practical. I
14 mean, a bus could easily access some very interesting
15 sites within a day from here, going out in the morning
16 and returning in the evening.

17 The other advantage, of course, of going
18 from here is not only does the Thunder Bay district --
19 Thunder Bay area have boreal forest close at hand, it
20 also has the Great Lakes-Saint Lawrence forest close at
21 hand. We seem to be going up into the boreal forest,
22 whereas from here you can access either within an
23 hour's drive.

24 Procedurally at step 3, the Board is
25 requested to provide suggestions and any parties who

1 wishes to provide suggestions may do so according to
2 the MNR's proposal.

3 It would seem that some mechanism ought
4 to be in place to allow for adjudication of any
5 disputes which might arise. Obviously, the MNR has its
6 suggestions, they say that other people should provide
7 suggestions but in the proposal, as set out, there is
8 no defined way of deciding who goes where, and
9 certainly I think there ought to be some more formal
10 proposal for that.

11 THE CHAIRMAN: Well, I think the parties
12 should keep in mind, Mr. Edwards, I do not think the
13 Board has any intention of setting up a separate
14 hearing, in effect, to adjudicate upon the site visit
15 question.

16 I mean, in the Board's mind it is just
17 not all that complicated, quite frankly, in the sense
18 that obviously parties are going to disagree, and the
19 Board is quite aware of that. I have never been on a
20 situation yet where site visits have been proposed
21 where everyone is ad idem in where they would like the
22 Board to go.

23 For that reason, often the Board just has
24 not taken parties along and has gone out there and
25 taken a look at what it chose to look at, period; no

1 consultation with the parties, it just did it, and
2 advised the parties that the site visit had taken place
3 and it took place on such and such a date, and so and
4 so was present, and that is the end of it. And it
5 placed whatever weight it wished to place on whatever
6 it saw and saw whatever it wished to see, and for
7 whatever purpose it chose to view it.

8 That just ended, you know, the discussion
9 and the necessity of having to adjudicate on disputes.
10 There were not any disputes, frankly, because the
11 parties were not in a position to raise a dispute.

12 MR. EDWARDS: I think the parties,
13 because of the class nature of this Environmental
14 Assessment - it is not a site-specific thing - ought to
15 be allowed the opportunity to do more than just make
16 suggestions to - it does not even say whom - I assume
17 it is to the Board or to MNR, as to where we ought to
18 go.

19 I am not suggesting a massive parallel
20 procedure, I just think there should be some
21 opportunity to thrash out where the site visits will
22 be. I don't think that's terribly time-consuming. I
23 just think that there should be some opportunity for
24 the parties to make submissions on particular points.
25 We are looking at a massive area here, and I don't see

1 that that would cause a great deal of delay.

2 The suggestion as to who ought to attend.
3 It is the position of my client that a representative
4 of the Northern Ontario Tourist Outfitters Association
5 ought to be able to attend, a spot ought to be reserved
6 on the plane or the helicopter or the bus.

7 And the reason is that there are
8 individuals in the organization who have something to
9 contribute, observations which would be of use either
10 in assisting us in presenting our evidence at a
11 subsequent time. Certainly we feel that it is
12 important that we have some opportunity to observe what
13 the Board is observing. Without that, we feel that our
14 opportunity to contribute meaningfully would be
15 prejudiced.

16 There are representatives of the
17 organization who would attend who have much more
18 expertise in the particular areas than counsel would
19 and it is not proposed that counsel attend.

20 With respect to the mechanism of the site
21 visits, it would seem that persons who are interested
22 enough to express a wish to attend ought to be allowed
23 to attend. I assume that some of the other parties
24 will wish to attend as well. There are a number of
25 people in full-time attendance who will, there are a

1 number of people in part-time attendance who are
2 receiving full-time correspondence who have a full-time
3 interest who obviously will wish to attend as well. I
4 think the numbers are manageable, and it would be our
5 position that allowance ought to be made for that.

6 The position, again, with respect to the
7 type of -- the mode of travel. The proposal of the
8 MNR - I won't say it is designed to - but it seems
9 destined to make it difficult for a number of people or
10 for a significant number of people to attend.

11 I am very curious as to why there is not
12 more focus on the Thunder Bay area and it would be, I
13 think, appropriate for the Board to address that
14 concern. It would be very easy for sites to be
15 accessed by larger numbers of people close to here.

16 There are particular concerns close to
17 this community with respect to a wood fiber -- alleged
18 wood fiber crisis that may not exist further afield.
19 Certainly, the Domtar mill in Red Rock is alleged to
20 have some difficulties, the Thunder Bay mills are
21 obviously harvesting a long ways away from here. It
22 would seem that some of the critical issues which are
23 developing in timber management perhaps are reaching
24 their most critical point right near here and it is
25 strange that we are not going to look.

1 There are particular sites which would be
2 of interest I think close to Thunder Bay and accessible
3 by road and, obviously, at much less cost to parties
4 who are less flushed with funds, such as my own.

5 Those are my submissions subject to any
6 questions the Board has.

7 THE CHAIRMAN: Thank you, Mr. Edwards.

8 Okay, ladies and gentlemen, I think we
9 will take a mid-morning break for 20 minutes. We will
10 be back at 10:30.

11 Thank you.

12 ---Recess taken at 10:10 a.m.

13 ---Upon resuming at 10:50 a.m.

14 THE CHAIRMAN: Thank you, ladies and
15 gentlemen. Please be seated.

16 Mr. Castrilli?

17 MR. CASTRILLI: Thank you, Mr. Chairman.

18 I thought I might begin by completing the
19 submissions of Mr. Hunter which actually came to me by
20 way of letter, which is really a letter to you, and I
21 am wondering if it would be appropriate to simply file
22 the letter after I have read it into the record. I am
23 in your hands on that.

24 THE CHAIRMAN: Well, if it is addressed
25 to us I think it is probably appropriate that it go

1 into the record, I would think. But in order to advise
2 everybody else what it is about, perhaps you could read
3 it into the record.

4 MR. CASTRILLI: Yes, I am going to read
5 it. I read the first part in at the outset and I
6 should just begin by saying, Mr. Hunter extends his
7 apologies to the Board, he simply was not able to here
8 this morning.

9 His proposal is a three-part proposal.
10 His clients are, first of all, proposing trips in the
11 fall; secondly, they are proposing that a visit be made
12 by the Board to three native communities; and, thirdly,
13 he is proposing that each party identify and nominate
14 fly-over areas. And he, in the body of the letter,
15 asked me to reiterate on his behalf that, in his
16 opinion and in the opinion of his clients, it is
17 imperative that site visits not be left to the
18 discretion of the Ministry of Natural Resources.

19 And at the appropriate time I will simply
20 file the letter with the Board.

21 THE CHAIRMAN: Very well.

22 MS. MURPHY: Excuse me, would Mr.
23 Castrilli like to read the entire letter into the
24 record?

25 MR. CASTRILLI: What I have just done is

1 just read the entire letter into the record that I did
2 not read in previously.

3 THE CHAIRMAN: Well, I think for those
4 parties who are not here, elsewhere in the province,
5 why don't you -- it is not a long letter--

6 MR. CASTRILLI: No, no.

7 THE CHAIRMAN: --why don't you just read
8 it in its entirety and it will get into the transcript
9 in that fashion.

10 MR. CASTRILLI: All right. It is a
11 letter dated June 15th, addressed to the Chairman and
12 it indicates that the following is to be entered into
13 the record by myself on behalf of Mr. Hunter and his
14 clients.

15 Mr. Hunter's first point is that --
16 sorry.

17 THE CHAIRMAN: Why don't you just read
18 the text?

19 MR. CASTRILLI: All right.

20 THE CHAIRMAN: Without paraphrasing, just
21 read it in its exact wording.

22 MR. CASTRILLI: All right.

23 "The following is to be entered on record
24 by Mr. Joseph Castrilli. Point No. 1..."

25 I will use the acronym for Mr. Hunter's clients,

1 "...that WTC/NAN oppose MNR proposal
2 because:

3 No. 1: Cannot attend;

4 No. 2: No native community visits
5 proposed;

6 No. 3: Discretion with MNR; and,

7 No. 4: NAN/WTC cannot pay costs.

8 Point No. 2: NAN would propose:

9 No. 1: trips in the fall;

10 No. 2: visit by Board to three native
11 communities; and,

12 No. 3: that each party identify and
13 nominate fly-over areas.

14 Point No. 3: It is imperative that site
15 visits not be left to the discretion of
16 MNR."

17 And the letter is signed by David Hunter.

18 THE CHAIRMAN: Thank you.

19 MR. CASTRILLI: Now, I just have a few
20 brief comments of my own on behalf of my clients.

21 Firstly, I would endorse and support the comments that
22 were made to you previously by Ms. Seaborn and by Mr.
23 Edwards, and so I will endeavor not to repeat them.

24 I have a number of overview comments.

25 Firstly, I agree that we should be attempting to plan

1 this site visit exercise through all counsel who are
2 interested in doing so and, if possible, with
3 directions from the Board.

4 Secondly, my clients as well are
5 concerned about the exercise of discretion that could
6 occur by the Ministry during such a site visit, but we
7 take your comments, Mr. Chairman, in that regard and we
8 have full faith in the ability of the Board to deal
9 with any matters that might arise during the course of
10 such a visit.

11 Thirdly, we have not heard from Ms.
12 Murphy this morning as to whether the Ministry of
13 Natural Resources would be funding the site visits, if
14 there were other parties going, completely one hundred
15 per cent of the way. And I can simply advise you, Mr.
16 Chairman, that my clients cannot afford to attend on
17 any other basis. And if it is not the Ministry's
18 proposal to in fact fund other parties to attend these
19 completely, then it is our position that the Board
20 should go alone with a guide.

21 Fourthly, as the Board is aware, we were
22 served with a draft of this document, it is dated
23 actually June 9th, at least that was last Thursday and,
24 frankly, it was not enough time to deal with the
25 contents.

1 We are not talking about a particular
2 area that everybody knows where the site is located, we
3 are talking about the choices amongst many potential
4 areas over a fairly wide geographical area and I simply
5 had difficulty obtaining instructions, as well as
6 obtaining guidance, from my clients and experts as to
7 what would be appropriate areas to discuss. And,
8 indeed, I only saw the map for the first time - and
9 this was the day before yesterday - and my expert was
10 only able to see it for the first time yesterday.

11 So I would suggest that in future if we
12 are going to proceed in this manner that we simply must
13 have greater notice, greater lead time.

14 Now, having said that, there are really
15 two ways I could proceed at this point. I have had
16 some preliminary feedback from my experts and my
17 clients as to two types of things they would like to
18 have the Board consider: General propositions about
19 what should be looked at, with no particular indication
20 of where on that map they would be found; and,
21 secondly, I have some very specific locations that I
22 would like the Board to consider including in their
23 visit, and I am, frankly, in your hands as to how you
24 would like to proceed.

25 THE CHAIRMAN: Well, I suppose, to some

1 extent, since you are dealing with two sort of separate
2 topics, you might as well proceed with both of them in
3 order. I take it, it is not going to be a really
4 lengthy presentation, is it?

5 MR. CASTRILLI: No, and also it is not
6 going to be as detailed as it should be simply because
7 when we get to the issue of exactly where on the map my
8 expert is telling me he thinks he should go --

9 THE CHAIRMAN: Well, as opposed to
10 telling the Board at this time specifically where your
11 clients want the Board to visit, I think that is going
12 to be a matter that, you know, other parties are going
13 to have concerns of their own in terms of what their
14 clients' interests are.

15 I am not sure that that is helpful to the
16 discussion today, because the Board is going to
17 ultimately consider what everybody said here today and
18 indicate what it is going to do.

19 But perhaps you could deal maybe just
20 with the first item you mentioned without going into
21 specific detail.

22 MR. CASTRILLI: That is fine. There is
23 one other overview matter I wanted to bring to the
24 Board's attention. If I could direct your attention to
25 page 2 of the Proposal under the heading of Objectives.

1 You see there that there are three
2 objectives set out, and the first one is a general
3 introduction to the various forest types, and the
4 second is examples of timber management activities that
5 are in progress, the third is an overview of results of
6 past timber management activities.

7 Now, I am not entirely certain what No. 3
8 means as opposed to No. 2. If we are talking about a
9 site visit, you are obviously going to see examples of
10 timber management activities. I am not sure how No. 3
11 gets translated in practice. Perhaps Ms. Murphy can
12 elaborate on that.

13 I would have thought that No. 2 and No. 3
14 should be the same, you are going to see examples of
15 current activities and you are going to see examples of
16 past activities or the results of past activities.
17 Perhaps she can clarify what she means by overview.

18 Now, in regard to general areas that my
19 clients would like to see included as opposed to - I
20 was going to say metes and bounds descriptions of
21 exactly what they would like to show you - areas. I
22 would firstly endorse the comments of Mr. Hunter in
23 particular when he suggests the nomination of an
24 identification of fly-over areas.

25 I think it is very important that the

1 Board be able to see from the air particular things
2 that may be of importance to the parties on the way to
3 specific locations there that are actually on the
4 designated trip, and I think my clients will be able to
5 provide that information; I suspect Mr. Hunter's will
6 as well. Now, whether they actually are included
7 within the four corners of that map, I cannot advise
8 you at this time, but I will certainly try and do that.

9 In general, my clients would like to
10 ensure that the Board on this particular site visit
11 will be able to see large areas of continuous clear-cut
12 to give the Board a view of this cutting practice and
13 its environmental impact.

14 Now, I am not sure that you would
15 necessarily see that following the proposed approach of
16 the Ministry, but I would like to see that included.
17 Perhaps Ms. Murphy can speak to that.

18 My clients would also like to have the
19 Board see a pre-cut area and, in fact, more than one
20 pre-cut area.

21 MS. MURPHY: Excuse me, that is pre?

22 MR. CASTRILLI: Pre. Pre-cut area.

23 THE CHAIRMAN: In other words, a natural
24 forest; is that what you are talking about?

25 MR. CASTRILLI: Yes.

1 Thirdly, and this is really a restatement
2 of the point I made earlier and I suspect it is also
3 what Mr. Hunter is referring to, areas inbetween points
4 of destination should be known in advance. In essence,
5 we should know the flight pattern that the Board will
6 be taking between areas.

7 Mr. Chairman, the remainder of my
8 comments get pretty specific, and so perhaps it might
9 be appropriate for me to end my submissions at this
10 point.

11 THE CHAIRMAN: Okay.

12 Thank you, Mr. --

13 MR. CASTRILLI: Perhaps you would like me
14 to file Mr. Hunter's letter at this time.

15 THE CHAIRMAN: I suppose, since it is on
16 the record, we -- does anyone object to it being given
17 an exhibit number just to keep it straight?

18 (No response)

19 Exhibit No. 76.

20 MR. CASTRILLI: Mr. Chairman, I just have
21 the original of the letter, I don't have copies of it,
22 if that is all right.

23 THE CHAIRMAN: Very well. That is a
24 letter from Mr. Hunter to the Board dated...

25 MR. CASTRILLI: June 15, 1988.

1 THE CHAIRMAN: Thank you.

2 ---EXHIBIT NO. 76: Letter from Mr. David Hunter to the
3 Environmental Assessment Board
4 dated June 15, 1988 re: Site
5 Visits.

6 MS. MURPHY: Just an enquiry, whether Mr.
7 Castrilli would be prepared to share the specifics, as
8 soon as possible, rather than having to hear it during
9 the hearing. If he has a list of specific things he
10 would like to see, it would probably be helpful if he
11 could share that with us.

12 THE CHAIRMAN: I think after we have this
13 discussion the Board may retire to give it some
14 consideration and then may be prepared to come and back
15 and give some specific direction. So we will consider
16 it at that time.

17 Mr. Cassidy?

18 MR. CASSIDY: Thank you, Mr. Chairman.

19 My remarks will be in two forms: One
20 talking about the process and who should attend and the
21 numbers, and the other one will be making some general
22 suggestions as to where and what you might see, and I
23 will leave the specifics on those again, like Mr.
24 Castrilli, until later.

25 First of all, our clients support the
Board's initiative to go on a site visit. We are, in

1 particular, in support of the second alternative
2 proposed by the Ministry, and that is that the Board
3 attend in a helicopter or helicopters with
4 representatives of parties to the hearing.

5 And my clients are interested in having a
6 representative present during the site visits, and they
7 are prepared to have a technical representative. If
8 the other parties are going to send lawyers, they may
9 want to have one of us present, but I think in the
10 process that you are going to be seeing, it would be
11 advisable to have technical representatives present and
12 we propose to have that type of person there.

13 In respect of the numbers of who should
14 attend, I think that goes again -- we get into the
15 constraints of the helicopters and, in our respectful
16 submission, you should be flying in helicopters, and
17 the experience has been that two of those mid-sized
18 helicopters would be appropriate and we would make that
19 suggestion.

20 And, as a result of that, there may have
21 to be some decisions as to who is going to get to go,
22 but my clients again request that they be represented,
23 as Mr. Edwards I believe suggested, that one of his
24 clients have a representative there.

25 The next thrust of my submission is that

1 there are some specific things that the Board should be
2 looking at, they have been referred to in the list at
3 page 11 of the proposal, but there are some other items
4 of interest that the Board should be looking at, in my
5 client's view, and one is, as Ms. Murphy indicated
6 earlier, the issue of whether or not you should see a
7 pulp mill, a paper mill and a saw mill.

8 You know, and you have seen what the
9 purpose of the undertaking is, and that is to provide a
10 continuous and predictable supply of wood for Ontario's
11 forest products industry. If that is the case, you
12 should see what that timber is used for on the ground
13 in those various types of mills, and the Dryden area
14 has all three types of those, and my clients are
15 prepared to co-operate in making those mills accessible
16 to you. And we feel it would be beneficial for you and
17 any other parties who wish to attend to see those mills
18 in operation, all three of those types of mills.

19 THE CHAIRMAN: Sorry, that was in Dryden
20 or Thunder Bay?

21 MR. CASSIDY: Well, there are facilities
22 available in both. In Dryden there are facilities
23 there from several of the different member companies of
24 all three types of mill which are available, and there
25 are facilities available in the Thunder Bay area as

1 well.

2 THE CHAIRMAN: Of all three types?

3 MR. CASSIDY: Primarily, I believe, the
4 pulp and paper, but I believe there may be saw mills in
5 the area but in Dryden, in particular, we have all
6 three and it would be possible to see any one of those
7 there.

8 The weather may be a concern on these
9 hearings -- or on these site visits, and I am proposing
10 that that be considered as an alternative; if you can't
11 get up in the air, you can easily go visit one of those
12 mills in the area, and as long as we are given enough
13 advance notice of that, as best as possible, that can
14 be quite easily accommodated.

15 There are also things such as tree
16 nurseries, both owned by the Ministry and by the
17 industry, that we feel the Board should see and, again,
18 those are in both this area and in the Dryden area.

19 And I am just dealing specifically now
20 with the list on page 11. There is a reference in that
21 list - and that is page 11 of the proposal - There is
22 reference in that list of areas of unsuccessful
23 regeneration that the Board might be interested in.
24 Obviously, there are lots of examples of successful
25 regeneration and that may be something that the Board

1 should obviously see as well.

2 And the last list -- or item on that list
3 talks about the effects of spruce or jack pine budworm
4 and I think my submission here goes to the issue of
5 whether or not you should be up in the air or down on
6 the ground. And I have been advised that the best way
7 to see the effects of budworm is from the air and
8 that, I think, should be a relevant consideration for
9 you in deciding whether or not you should go up in the
10 air at all.

11 I think it is clear from what you have
12 said and what the other parties said that you are going
13 to get up in the air. The best way to see the budworm
14 is from a helicopter and you also get the opportunity
15 then to just go down and see it face, or up front.

16 I think those are the substance of my
17 submissions, Mr. Chairman.

18 My clients are interested in having a
19 representative present and we would ask that you
20 consider that as the proposed alternative, and I think
21 the concept of the site visit is something that we
22 should all work towards and get sorted out today, get
23 it going, and get up in the air and on the ground.

24 THE CHAIRMAN: Thank you, Mr. Cassidy.

25 Mr. Williams?

1 MR. WILLIAMS: Thank you, Mr. Chairman.

2 Mr. Chairman, obviously you and your
3 Board have applied meticulous care and gone to great
4 lengths in trying to satisfy both yourselves and
5 counsel that any and all aspects of this site visit or
6 proposed site visits will be undertaken in an entirely
7 objective fashion and, after all, it is a fact-finding
8 mission that you are on, as I understand it, and so you
9 are understandably treating it as such, but the whole
10 process must be treated objectively so that no one
11 feels that their particular client's interests are
12 prejudiced by that initiative.

13 However, Mr. Chairman, given the
14 inordinate amount of attention and detail and concern
15 being directed towards this procedural matter this
16 morning, I am beginning to appreciate, I think to some
17 extent, the great deal of planning and logistics that
18 is going into the Economic Summit that is coming to
19 Toronto next weekend, because I didn't realize it would
20 take so much planning and consideration to deal with a
21 matter of this magnitude.

22 THE CHAIRMAN: That is a minor problem,
23 the Summit, compared to this, I would suggest.

24 MR. WILLIAMS: I think you are right.

25 Mr. Chairman, a site visit obviously

1 makes eminently good sense for the Board to undertake.
2 I believe very strongly in the addage that a picture is
3 worth a thousand words. Although, again, given the
4 number of words that are being generated here this
5 morning--

6 THE CHAIRMAN: I was going to say you
7 would have to have an awful lot of pictures.

8 MR. WILLIAMS: --to develop the framework
9 for your picture, I am beginning to have doubts if it
10 is applicable in this situation, but perhaps I am being
11 facetious, Mr. Chairman.

12 More seriously. Option 1 obviously is I
13 think not arguable, I think you must take this site
14 visit and others to get a full appreciation of the
15 undertaking. There is nothing like having some
16 hands-on experience and, clearly, I think it would be
17 helpful and useful to the participants in the process
18 to be able to participate in the site visit or visit as
19 well and, therefore, I am very supportive of seeing
20 Option 2 being brought into play.

21 Most certainly Option 1, that is without
22 question, you will be doing it in any event I am sure
23 regardless of any objections. But hopefully Option 2
24 will be settled upon and proceeded upon in a way that
25 will not result in a round of dispute and squabbling in

1 the future over technical matters.

2 And, in this regard, one of the concerns
3 I have is with regard to how this material will be
4 treated. And if it is going to be treated as evidence,
5 I would hope it would be on the basis that it would be
6 simply as a statement of fact to tie in with what this
7 whole undertaking is about, a fact-finding mission, and
8 would be interest introduced the same way as we have
9 been talking about Panel 5, that it would not result in
10 or lead to the guidebook or any other documentation or
11 statements taken as a result of the outing subject to
12 cross-examination by counsel and treated as arguable
13 evidence. I think it is counter-productive to do that.

14 And so I think, while it is useful and
15 could be framed in a way to treat it as important
16 evidence, it should be on a statement of fact basis, in
17 my judgment, Mr. Chairman.

18 A number of useful suggestions have been
19 put forward by others as to different locations or
20 other areas of interest that might be visited. I think
21 most of them have in fact are even covered by the
22 Ministry in their presentation and I think that it is
23 encouraging to see that the Ministry, in putting
24 forward what I find to be a very well-prepared
25 document - and objective document - I think they have

1 bent over backwards to be objective in their
2 presentation; that they have left flexibility there to
3 ensure that you, of course, would have the ultimate say
4 but other counsel as well would have an opportunity for
5 input into rounding out and making better their
6 proposed itinerary.

7 A number of objections have been raised
8 by others as to why this undertaking should not
9 proceed. While --

10 THE CHAIRMAN: The undertaking or the
11 site visits?

12 MR. WILLIAMS: When I say "undertaking",
13 I mean the site visit, one in the same.

14 While I see them as individual concerns,
15 some of which I find my client in the same position on,
16 I don't see them as grounds for preventing the site
17 visit from being undertaken, I just don't see the logic
18 in that type of argument.

19 Certainly I will not be able to attend
20 because again, like others, my client -- the Ontario
21 Federation of Anglers & Hunters cannot afford the costs
22 associated therewith. In a more personal vein, I would
23 not be available at that particular time, being out of
24 country on that particular date but, more importantly,
25 from the cost point of view.

1 So the fact of my unavailability and the
2 cost factor I don't think are reasons why one should
3 even consider cancelling your site visit.

4 THE CHAIRMAN: Thank you.

5 MR. WILLIAMS: As to visiting specific
6 communities as part of the overall site visit or number
7 of site visits, it may have merit as to selecting one
8 over another. Again I don't know how relevant that is
9 and that is a judgment call I think you will have to
10 make on the matter.

11 I think basically, Mr. Chairman, these
12 are the views I bring to the discussion this morning.

13 One point that has been raised was the
14 suggestion - and this was not raised by Mrs. Murphy
15 with me the other day - that in lieu of counsel going,
16 that a technical representative representing the
17 particular party would be an agreed-upon substitute,
18 that hadn't been brought to my attention and,
19 certainly, is worthy of merit.

20 This is a matter I would have to take
21 under advisement and discuss with my clients, although
22 again on this particular outing, given the distance and
23 cost associated therewith, whether it was myself or
24 technical representative is probably academic because I
25 don't think we would be attending in any event, but I

1 think it is useful to know that and I think I will take
2 that up with my clients because there maybe people with
3 other professional qualifications that might be more
4 suited to go on a particular site visit.

5 Other than that, Mr. Chairman, I on
6 behalf of my clients fully subscribe to the purpose and
7 intent of the site visit and I hope it can proceed and
8 that hopefully all of the counsel can resolve their
9 technical differences so that we could -- that those
10 who can attend, will embark on the site visit in a
11 productive fact-finding way.

12 Thank you.

13 THE CHAIRMAN: Thank you, Mr. Williams.

14 Ms. Murphy -- I take it there is nobody
15 else in terms of the parties who have not had an
16 opportunity to express their views who wish to come
17 forward at this time and, if not, we will go on with
18 Ms. Murphy in the form of reply, since it was your
19 proposal in the first instance that we were discussing.

20 And perhaps you might also, while you are
21 at it, Ms. Murphy, just run through with us some of the
22 cost factors - not so much in terms of the actual
23 numbers that you have got on here, as opposed to who is
24 going to bear what or what the Ministry's view was as
25 to who was going to bear what.

1 MS. MURPHY: Certainly. We did provide
2 some information in the documentation that was -- just
3 one moment, Mr. Chairman - in the documentation that
4 was given to people with this Notice of Motion in an
5 attempt to provide to everyone as much information as
6 we could about these matters.

7 And interestingly, I expected to have
8 some questions from people about how these costs were
9 calculated and what they entailed, but we didn't get
10 any.

11 I think it might be wise, first of all,
12 to just give a general indication of what the numbers
13 are and where they came from.

14 THE CHAIRMAN: Very well.

15 MS. MURPHY: It was generally approached
16 on the basis that the kinds of costs that people would
17 normally incur in the hearing on their own by parties
18 would continue to be incurred as in the normal course.
19 Therefore, in this paper it has been assumed that the
20 travel to and from the site, accommodation and meals
21 would be borne in the normal course.

22 What we have provided there, for
23 information, is what we found to be really an upper
24 limit on those costs. For example, we put down for
25 return travel to Dryden what is, as I understand, the

1 full-fare commercial flight. At this time, I am not
2 certain whether any of the arrangements that we have
3 with the airlines would apply. We didn't go into --

4 THE CHAIRMAN: Is that from Thunder Bay
5 to Dryden--

6 MS. MURPHY: Yes.

7 THE CHAIRMAN: --and return?

8 MS. MURPHY: Yes, it is. That would be a
9 full-fare flight not booked in advance and any of the
10 other details. So that is, as we understand it, an
11 upper limit.

12 We have also provided an amount for
13 accommodation which we put down for four nights,
14 although it is unlikely four nights - again the same
15 with meals - it is unlikely that four nights would be
16 required, but to look at the outer limit and potential
17 for weather difficulties and so forth were put in, all
18 of them, so people would look at that.

19 I would point out that if we are dealing
20 with a fairly small number of people, there is a
21 possibility - although it can't be guaranteed - that
22 Ministry aircraft could be available to fly between
23 Thunder Bay and Dryden. However, the aircraft we are
24 talking about, of course, are working aircraft and so
25 availability on all occasions is subject to --

1 THE CHAIRMAN: Well, the Board I think
2 made it clear earlier that it has no intention in terms
3 of any of these site visits to interfere with any fire
4 suppression activities of the Ministry during the next
5 few months just to accommodate the Board on a site
6 visit. Those are much more important, in the Board's
7 view, to take care of and, if there is a suggestion
8 that Ministry aircraft are going to be used, it can
9 only be used, in terms of the Board's view, if it is
10 not going to impair those other activities.

11 So I want that clearly understood by
12 everyone. This site visit is important to the Board,
13 but it is of secondary importance to the Ministry's
14 main use of these aircraft.

15 MS. MURPHY: Thank you. So, as I say, I
16 have been advised that that flight is one that could be
17 considered, but we would have to look at it at a closer
18 period in time.

19 (It wasn't that exciting)

20 The rest of the information on that page
21 gives some very basic information about the costs of
22 the transportation part of the site visit itself which,
23 of course, we are proposing would be borne by the
24 Ministry. There are other costs --

25 THE CHAIRMAN: Is this rental of

1 aircraft, other than Ministry aircraft?

2 MS. MURPHY: The way it works basically
3 is this: If you are looking at one single mid-sized
4 aircraft that would, in all likelihood, be a Ministry
5 aircraft. So the cost that is associated with that is
6 direct Ministry cost which is fairly low, as you see,
7 \$2,000. So if we are using one mid-sized aircraft it
8 is possible to use -- we would forecast that it may be
9 possible to use a Ministry aircraft.

10 If we are using two --

11 THE CHAIRMAN: Correct me if I am wrong,
12 is the four-person, does that include the pilot?

13 MS. MURPHY: No.

14 THE CHAIRMAN: So that could be the
15 Board, a guide and the pilot?

16 MS. MURPHY: That's right.

17 THE CHAIRMAN: Okay. Thank you.

18 MS. MURPHY: When looking at the next
19 column, if you are looking at a larger number of
20 people, you see will that in looking at two mid-sized
21 helicopters, what we are advising is that in that
22 situation you would almost always have to look to a
23 contract machine for the second one, and so the cost is
24 quite larger. The same with the large helicopter,
25 those are on contract.

1 So that's basically what that information
2 is there for is to give the background. And, as I
3 said, the top part of it is our view of what the upper
4 limit would be and it was prepared on the basis of our
5 understanding that the cost would be borne, in the
6 normal course, in the way they are borne through the
7 rest of the hearing.

8 THE CHAIRMAN: Thank you.

9 MS. MURPHY: I would just like to make a
10 few comments.

11 First of all, as you said yourself, Mr.
12 Chairman, the proposal that we are looking at here
13 really is rather more structured and more detailed than
14 the normal situation when one is looking at a site
15 visit, and I would suggest it has been put forward that
16 way essentially because of the complexity of the
17 situation, the number of parties and so forth.

18 We have really attempted to meet, as many
19 as possible, the concerns of the people, those things
20 that we forecast we might hear and, at the same time,
21 come up with something that's workable.

22 Ms. Seaborn advised that it was their
23 view that you should be giving directives to MNR in how
24 to organize site visits, and it is our submission that
25 that is exactly what we are asking you to do.

1 THE CHAIRMAN: These will be forthcoming
2 within the hour.

3 MS. MURPHY: Thank you.

4 THE CHAIRMAN: After we have had a chance
5 to consider your comments and all the others.

6 MS. MURPHY: Yes. Ms. Seaborn also
7 mentioned that the list that was prepared in the
8 original material, and it was shown on page 11, was, as
9 I understood her words, a very good list and the kinds
10 of things that her client would be interested in seeing
11 added to your site visit.

12 At the same time, I believe she suggested
13 that it may be possible to go through all these visits
14 and miss some of these areas. And I suppose -- well, I
15 would simply say that this is the list that was
16 prepared and put in by us. I think we would look a
17 little silly if we got to the end of this and left off
18 at least some of the things that we are suggesting
19 ourselves. In any event, people have an opportunity to
20 see where it is that the Board would be going
21 throughout.

22 Mr. Edwards was talking about this map and
23 he suggested that there was some difficulties if this
24 map wasn't reproduced and provided to a number of other
25 people. At the same time, he did suggest - or perhaps

1 a little later in his submissions - that the map was
2 probably at too large a scale and that people needed
3 more detailed information.

4 I would have to agree with him entirely
5 and that is exactly why it is our proposal that the
6 material that is at the smaller scale and provided in
7 more detail is exactly the material that would be
8 provided to other people so that they can understand,
9 in more detail, what it is that we are proposing.

10 Mr. Edwards also mentions that Dryden is a
11 long way -- is hundreds of miles from Thunder Bay,
12 which is true - a lot of Ontario is hundred of miles
13 from Thunder Bay - and suggests that it is possible to
14 have bus trips around Thunder Bay to see activities.

15 As I suggested to you earlier, there is
16 no suggestion that that would be impossible, in fact,
17 that would probably be a very wise thing to do at some
18 stage. However, the import of these visits is to show
19 representativity across the entire area and that, for
20 the reasons we suggested earlier, it was the idea to
21 start in sort of the northwest and go across to the
22 central and towards the south.

23 THE CHAIRMAN: Plus the fact I think the
24 parties should realize, as I am sure they do - and I do
25 not mean to facetious in suggesting this - but the

1 Board is mobile, the Board drives around, the Board has
2 evenings free occasionally, and sightsees like anybody
3 else, no matter what location we are in, and we will no
4 doubt observe things in our travels, both here and
5 other locations, throughout the course of this hearing,
6 and those aren't necessarily "site visits". We do keep
7 your eyes open and, I am sure around the Thunder Bay
8 area, over the course of nine months, we will probably,
9 in all possibility, see many things, as we will in many
10 locations.

11 So I do not think the parties should just
12 consider that these three site visits, these organized
13 ones- if it turns out to be three and it might well
14 turn out to be more than three during the course of
15 hearing - you know, are the only things that the Board
16 observes other than the parties in the hearing room.

17 MS. MURPHY: Mr. Castrilli read in a
18 letter from Mr. Hunter. I will advise the Board that I
19 spoke to Mr. Hunter myself yesterday afternoon and Mr.
20 Hunter advised me that he had sent the letter and read
21 it to me on the telephone and we did have a discussion,
22 and I would like to advise the Board.

23 Mr. Hunter advised me that he would be
24 happier if MNR proposed (a), (b) and (c) and others
25 could propose (d), (e) and (f), and I advised Mr.

1 Hunter that, in our view, that was what our proposal
2 did.

3 Mr. Hunter also advised that, as it said
4 in his letter, he did want the Board on their visits to
5 see native communities and that he was concerned about
6 the time because there wasn't time to prepare for such
7 a visit. I advised Mr. Hunter that we did not see any
8 limit on the Board's ability to do that, if invited,
9 and that of course there will be a series of hearings
10 held at other locations and he may want to consider
11 that. And he advised that that was a good point and
12 that he hadn't thought of it.

13 THE CHAIRMAN: I have not got the list in
14 front of me, but are any of these satellite locations
15 that the Board had decided upon, are they within native
16 communities or very close to native communities.

17 MS. MURPHY: Oh, Yes, Mr. Chairman.

18 MR. MARTEL: Sioux Lookout.

19 MS. MURPHY: Sioux Lookout, for example,
20 is very close. In fact, it was a request of Mr. Hunter
21 that part of the hearing be held there because he did
22 want to put in evidence in that location.

23 THE CHAIRMAN: Okay. Thank you.

24 MS. MURPHY: With respect to Mr.
25 Castrilli's submissions, he mentioned that it would be

1 wise -- or he said it would be wise to plan this
2 through all counsel. And, of course, Mr. Chairman,
3 that is something that would be the best possible
4 alternative.

5 I have to advise you, Mr. Chairman, that
6 this is not a matter that simply came up out of the
7 blue either yesterday or even at preliminary hearings,
8 the issue of site visits and how they might be
9 conducted has been discussed between counsel over a
10 significant period of time.

11 I think one of the difficulties is that
12 some of the counsel who have been involved in
13 discussing the matter in the past - and I am thinking
14 of last year - have changed, and so that in some cases
15 people here who are representing certain persons were
16 not counsel at the time that some of these discussions
17 were held earlier. So that may be the cause of some of
18 the confusion.

19 The matter has been discussed from time
20 to time, and I would have to advise that, while
21 everyone has been very interested in it and
22 sympathetic, we are still left in the position where
23 someone has to take the initiative.

24 THE CHAIRMAN: We will.

25 MS. MURPHY: And that's the bottom line.

1 Mr. Castrilli, one other point he makes
2 is that -- he made a number of points, but one other
3 point I wish to speak to is that his clients suggest
4 that it would be important for people to know the
5 flight path between the points of destination or the
6 flight pattern.

7 It is that kind of information that we
8 are proposing would be in the book, and Mr. Kennedy
9 advises that the pilot will want to know that too.

10 THE CHAIRMAN: I would hope he is going
11 to file a flight plan in case we don't return.

12 MS. MURPHY: Mr. Cassidy -- just one
13 thing, just to clarify something I wasn't clear on.

14 When we look at option 2, if we are
15 looking at two mid-sized or one large sized
16 helicopter -- basically whichever way that goes, is
17 going to depend on what is available at the time. I
18 don't think today there can be a decision. Either way
19 it can be managed.

20 One other observation. I am not certain,
21 but as I understand it, the membership of OFAH and
22 NOTOA both have quite active people in Dryden and it
23 may be that they would be interested in talking to
24 those people.

25 Again, however, Mr. Chairman, members of

1 the Board, we are left with the problem of how
2 specifically to identify other persons who would
3 accompany the Board up to a number of six if that
4 option is adopted, and I am concerned that at this
5 stage we really don't have a strong suggestion from any
6 of the other parties - it is certainly not something
7 that I can make other people do - and we have only
8 heard from a couple of people who would like their
9 people present.

10 I think sort of human curiosity would
11 suggest that if it was left as being a situation of:
12 Anyone who is interested can just step forward, we will
13 end up with significantly more than six.

14 THE CHAIRMAN: Okay.

15 MR. CASSIDY: Well, I would like to speak
16 to that last issue very briefly, Mr. Chairman.

17 One of the main reasons I think there
18 should be a company or industry representative present,
19 as Mr. Murphy indicated, the Board will be seeing all
20 three types of management units, at least two of these
21 types, particularly the FMA units, will be managed by
22 one of my member companies who will have the greatest
23 degree of information on that, who can provide it on a
24 factual basis only, and it is something the MNR
25 representative might not be able to do.

1 THE CHAIRMAN: Well, I think it may or
2 may not be self-evident, but if the Board should choose
3 to have parties accompany the Board, we would obviously
4 be looking at representation from the major parties, if
5 I might term them that, before this hearing.

6 And Mr. Cassidy's clients are in that
7 category, they appear to be attending on a full-time
8 basis and, accordingly, we would take account of the
9 parties that are participating, surely.

10 MS. SEABORN: Mr. Chairman, I don't think
11 I addressed that point. I would just advise the Board
12 that we would propose that a technical person go along
13 with the Board, not counsel for the MOE.

14 THE CHAIRMAN: I could be left as the
15 only counsel representing council.

16 MS. MURPHY: In fact, just one final
17 point that actually flows from there.

18 MR. CASSIDY: Mr. Martel raised his
19 hands...

20 MS. MURPHY: Just one final point, and
21 actually that is one that was mentioned by Mr.
22 Castrilli. I think it is important to bear in mind.
23 There is that concern that people have raised that
24 something will happen here that someone will say
25 something that's untoward or whatever, and I think it

1 is very important to bear in mind that the Board is on
2 this visit and the Board has experience dealing with
3 site visits and it is up to the Board to weigh the
4 evidence or the information that is put before it and
5 the good faith and credibility of the people that are
6 there.

7 THE CHAIRMAN: Thank you, Ms. Murphy.

8 Very well, ladies and gentlemen. I think
9 the Board will retire for about 15 minutes to discuss
10 these matters and then we propose to come back and I
11 think will be in a position to outline what the Board
12 would like to do by way of directing the parties in
13 connection herewith.

14 Thank you.

15 ---Recess at 11:37 a.m.

16 ---Upon resuming at 12:00 p.m.

17 THE CHAIRMAN: Thank you, ladies and
18 gentlemen. Please be seated.

19 The Board wishes to thank Ms. Murphy and
20 all of the other counsel for, firstly, putting forward
21 the proposal to accommodate the Board's intended site
22 visit and, secondly, with directing their minds to the
23 various considerations applicable to this type of site
24 visit, both procedurally and the issues concerning
25 where the Board should go and how the whole issue

1 should be handled.

2 The Board has taken into account the
3 various submissions made this morning and has reviewed
4 the documentation before it and is now in a position to
5 provide the direction that I think several of the
6 parties indicated would be helpful to them in terms of
7 this proposed site visit.

8 The Board has decided that in order to
9 accommodate its needs, and also taking into account the
10 various concerns that the parties raised, that it will
11 proceed with the proposed site visit for the week of
12 July 18th provided, of course, that the logistical
13 arrangements - such as the availability of aircraft,
14 which I will get to shortly - is possible for that
15 week, et cetera.

16 Now, the Board wants to proceed with the
17 site visit upon the following basis:

18 It will carry out the site visit by both
19 air and ground transportation utilizing two helicopters
20 for the air portion. The Board wishes to have the
21 three members of the panel, one guide and a pilot in
22 one helicopter for the air portion, and would like to
23 see a ten-seat large helicopter provided to facilitate
24 the accompaniment on the site visit of parties to this
25 proceeding, including one representative of the media.

1 And, as the Board understands it, the larger helicopter
2 can accommodate ten persons in addition to the pilot.

3 As far as which of the parties will
4 accompany the Board or who may wish to accompany the
5 Board on this site visit, we feel that the fair and
6 equitable solution to some of the concerns raised and
7 what the Board would perceive to be the interest of
8 other parties who are not at the full-time hearing in
9 Thunder Bay, would be to allocate seats on that larger
10 helicopter to representatives or designates of each of
11 the major parties in full-time attendance which, by our
12 account, amounts to - I hope I have this right - six.

13 That would leave three spaces on that
14 large helicopter available to parties who are not in
15 full-time attendance or their representatives, bearing
16 in mind that the Board will be taking additional site
17 visits throughout the course of this hearing and
18 probably those site visits will concentrate on
19 different areas within the area of the undertaking.

20 Now, in order to choose the particular
21 representatives of those groups that I have mentioned,
22 the Board is suggesting the following:

23 That the parties - and this includes
24 everybody - submits to the Board in writing by June
25 27th, which is the date we return here after next week,

1 their suggestions as to where the Board should go
2 within the northwest region centering around Dryden as
3 the commencement point, and put forward in this written
4 document the activities that they would like the Board
5 to see and the locations of those activities if they
6 are site-specific.

7 In addition, the document should contain
8 an indication as to who the designate will be with
9 respect to that party and whether or not that party
10 wishes to participate. It may be that there will be
11 suggestions coming in from parties who would like to
12 suggest what the Board should see and where the Board
13 should go but, nevertheless, will not be accompanying
14 the Board on the actual visit.

15 From those suggestions, received in
16 writing by the Board and the Board's own considerations
17 as to what it would like to see and where it would like
18 to go, the Board will decide on the activities it will
19 see and the locations where those activities are that
20 it will see for this particular site visit and will,
21 shortly after the June 27th date, advise the Ministry
22 of Natural Resources to make the necessary logistical
23 arrangements to accommodate what the Board has decided
24 should be the focus of this particular site visit.

25 The Board has further decided that there

1 will be no guidebook and, therefore, we will obviate
2 the problems that might otherwise occur as to how that
3 guidebook will be treated and whether or not counsel
4 will agree on the wording and other such difficulties.

5 The Board will, upon the return from the
6 site visit, make a statement for the record of a
7 factual nature as to where it went and what activities
8 it observed and who attended and the date upon which
9 those things occurred. That is what will go on the
10 record.

11 With respect to the helicopter to be
12 utilized by the Board, it will contain, for sure, a
13 pilot and the Board members and a guide and that guide,
14 the Board feels, should probably be the person or a
15 designate of the Ministry.

16 Now, the Board will undertake to the
17 parties at this time that there will be no discussion
18 with that guide of things other than a strictly factual
19 nature. It will not entertain any editorializing or
20 other types of discussions, and the Board's questions
21 to the guide will also be of a very direct factual
22 nature.

23 Now, the parties, in terms of the ground
24 component of this site visit, will be present with the
25 Board and I would suggest, since we are talking I think

1 a maximum of 15 people, that the appropriate type of
2 ground transportation be arranged for that. Now again,
3 it may not be a small van, I am not sure, it may be two
4 small vans.

5 In any event, if that is the case, the
6 Board will ensure that one of parties' representatives
7 are with the Board and the guide and the driver and
8 they can act as the watchdog over the Board's conduct
9 during the ground portion.

10 You will have to trust us in the first
11 helicopter, but we shall not let you down and I can
12 assure you we will be worthy of your trust in terms of
13 how we deal with the guide and how the guide deals with
14 us.

15 Now, with respect to - I think it was Mr.
16 Hunter's concerns or submission as to areas of
17 fly-over - that should also be addressed in your
18 written submissions to the Board, if the parties have a
19 particular fly-over area - bearing in mind that it has
20 to be within the general area of this whole site visit
21 that the Board should be considering - we will consider
22 that when making our decisions as well.

23 And when we give the instructions to the
24 Ministry to prepare the logistical side of this, I take
25 it the Ministry will be able to at least come back with

1 an itinerary based on what the Board wants to see and
2 areas that the Board has designated for fly-over, and
3 coupled into that, from personal experience, there will
4 be the flightcrews' own considerations as to how that
5 should be organized.

6 They will, in all probability, have to
7 file a flight plan at some stage, or a series of flight
8 plans, and it may be that those flight plans, depending
9 on what form they take, may be part of the factual
10 documentation that the Board places on the record. So
11 that will be a very precise way of saying: Here is
12 where the Board went or here is where the Board flew
13 over.

14 In that way we don't expect, when we
15 return from this site visit or indeed others that we
16 may take, to have discussion on the site visits
17 themselves. There will not be cross-examinations of
18 anybody concerned with the site visit. It is mainly of
19 an informative overview, factual, fact-gathering
20 exercise that the Board goes through in both this type
21 of hearing and any type of hearing that it participates
22 in and it is used to assist the Board in understanding
23 the evidence as the evidence comes in and the Board
24 will probably be requesting additional opportunities,
25 as we proceed, depending on the type of evidence that

1 comes in.

2 Now, with respect to the fact that all of
3 these site visits, which involve air transportation,
4 are somewhat -- or, to some degree, subject to the
5 weather, we will take into consideration that if the
6 weather is inappropriate, that we perhaps utilize the
7 time, since we will be in Dryden to start off with
8 this, of perhaps seeing some locations on the ground
9 that won't necessitate air travel, in the event that we
10 aren't able to get off the ground on a particular day.

11 We don't want to waste the time. We do
12 not want to start moving the parties around back to
13 here, for instance, and back to Dryden because that
14 kind of expense is unwarranted.

15 Now, with respect to the parties who wish
16 to choose their designate, we would suggest that the
17 parties, such as Mr. Hunter's group as an example,
18 possibly Mr. Williams' group as another example,
19 possibly Mr. Castrilli's group, that they give some
20 consideration to choosing a local person in and around
21 the Dryden area who may or may not belong to their
22 group, because that might assist in terms of the cost
23 factors.

24 The Board feels it is reasonable in the
25 circumstances for the Ministry to bear that portion of

1 the costs that it indicated it would, which is the
2 complete air and ground portion with the individual
3 parties bearing the normal costs that they would
4 otherwise bear, such as transportation to and from
5 Dryden and hotel costs and some meal costs. These are
6 the costs that they would normally bear were they
7 participating in the hearing at Thunder Bay or, indeed,
8 any of the other locations around the province when we
9 go out on tour.

10 Mr. Martel reminds me that we will have a
11 short briefing period that the Board will participate
12 in the Thursday before the July 18th date, so that
13 everybody will be aware of how the trip will be
14 organized. You will know before then, shortly after
15 the June 27th date, of which locations the Board has
16 chosen and where the Board proposes to go. But I am
17 suggesting that we will have a short briefing just
18 prior to the actual trip to fill in any details that
19 might have to be filled in at that time. So I think
20 that constitutes the way in which the Board wishes to
21 handle this site visit.

22 We will see after this site visit whether
23 our expectations, and perhaps the parties can indicate
24 whether their expectations in any way have been met,
25 and if it turns out that problems which the Board

1 perceives do arise as a result of this particular site
2 visit, we might consider organizing it in a different
3 fashion for a subsequent site visit.

4 MR. EDWARDS: Mr. Chairman, I have a
5 comment I would like to make at some stage, I don't
6 know whether it is appropriate now or...

7 THE CHAIRMAN: Okay. I think I am
8 basically finished with what the Board wishes to put
9 forward. So we will entertain comments, hopefully of a
10 clarification-type nature as opposed to getting into a
11 complete debate again, over how this thing should be
12 organized.

13 The Board has considered your submissions
14 this morning, has looked over the documentation, has
15 called upon its previous experience in connection with
16 other site visits and has decided that this, in these
17 circumstances, is the appropriate way to proceed.

18 So if it is a matter of clarification,
19 Mr. Edwards, okay; if it is a matter of debating the
20 whole thing again, the answer is no.

21 MR. EDWARDS: I will try. Mr. Chairman,
22 the comment I have to make is, I think, a matter of
23 substance which the Board has not addressed.

24 The Board directed that no guidebook be
25 produced and there are some sensible reasons for that.

1 However, my concern is this: The MNR in its proposal
2 suggested that it would provide a "basic map" and then
3 the guidebook was to contain, as proposed, a rather
4 specific mass with a quite -- a great amount of detail.

5 Now, during the break I had occasion to
6 speak with counsel for the MNR and also the gentleman
7 from the MNR who had prepared this particular map, and
8 it was indicated to me that it would not be easy to
9 reproduce this forthwith, and I think some of the
10 parties are going to need some mapping information to
11 discuss this reasonably with their clients, certainly
12 the people out in the field to get some instructions
13 and to be able to respond by the date that the Board
14 has set of June 27th with respect to our concerns and
15 areas of proposal that we would like to make.

16 Now, I was led to believe that even
17 though this map is not easily reproduced, that some of
18 the other material, some of these maps that are going
19 to be reproduced would answer -- deal with the concerns
20 that I have now, and I assume that those maps are going
21 to be in the guidebook which has now been eliminated
22 from its existence.

23 So I am very concerned about having some
24 material that I can go to my clients with to have a
25 reasonable discussion about the position that we should

1 to the Board, because we are dealing with a fairly
2 short time frame. It is only a short time away that we
3 have to come back to the Board and make our proposal.

4 I feel prejudiced if the Board at one
5 fell swoop has eliminated the necessity for the MNR to
6 provide any mapping whatsoever.

7 THE CHAIRMAN: Well, let's just deal with
8 that a little bit. Is there any mapping available,
9 other than this one map, that the Ministry has already
10 produced for even some other purpose?

11 MS. MURPHY: There wouldn't be -- excuse
12 me.

13 Mr. Chairman, right now there wouldn't be
14 maps that indicated this sort of information at this
15 scale or in that time window. I mean, this is
16 something that has to be pulled together for a specific
17 purpose for a specific time. You would find material
18 that dealt with much larger amount of information and
19 things that were less helpful.

20 I do share, to some degree, my friend's
21 concern, but we explained or we had some discussions
22 with him earlier about this particular level of
23 information. The problem, of course, in dealing with
24 the general issue is to have a kick-off point and, in
25 this situation, we thought a fairly early and

1 preliminary level of information would be something
2 that showed the general area and proposed or expected
3 areas of operations at a particular point in time.

4 At the same time as we were saying to our
5 friend, this particular map is one that is a composite
6 of the number of things that come from the Federal
7 Government and not all that easy to obtain, either in
8 Thunder Bay or elsewhere, and that indeed a hand-made
9 overlay was produced taking some fairly specific
10 information for that sort of initial level of
11 information.

12 THE CHAIRMAN: Well, bearing in mind -- I
13 think this is the Board's view, that bearing in mind
14 that this map contains a, you know, not an infinite
15 number, but a large number of proposed areas of
16 activity, I am sure it contains a large number of areas
17 of fly-over that would contain various other types of
18 things, and it is unlikely that the Board would be able
19 to choose, even in an appropriate itinerary, certainly
20 all of those things that are set out on this map.

21 As well as, I take it, that that map
22 would also include some of the other areas of interest
23 that are listed on page 11 of your original proposal.

24 MS. MURPHY: At the present time, sir,
25 no, it doesn't. That particular map now contains only

1 information about actual activities that are expected
2 to occur in July. So it doesn't have anything on it
3 about those other areas and, in fact, our proposal
4 would have required us to produce that further
5 information as the next step.

6 THE CHAIRMAN: Okay. How long would that
7 take the Ministry to produce, that next step, as an
8 example?

9 MS. MURPHY: Well, our original
10 suggestion was that we would attempt to do that within
11 seven days of this order and, as I mentioned to you,
12 that would have been an onerous task but we were
13 prepared to do that.

14 And it was in fact that information that
15 I think we were speaking to Mr. Edwards about, saying
16 that our proposal would have taken us from this level
17 of detail to a finer level of detail to go to that next
18 step, and that is what we were talking about over the
19 break, is that additional information that would show
20 some of those other areas and, at the same time, would
21 in fact -- our proposal would have brought us into --
22 would have probably eliminated some of those dots for
23 various reasons as well, and it was that level of
24 information we were proposing to provide in about a
25 week.

1 THE CHAIRMAN: Okay. And if the
2 proposals to the Board came in by July the 4th, would
3 that leave enough time for the Ministry to organize the
4 logistical side of this?

5 MS. MURPHY: I would have to take some
6 instructions on that and get some advice. Were you
7 planning to carry on until one o'clock or take a break
8 or...

9 THE CHAIRMAN: We are planning, I think,
10 yes, to finish this discussion and then go on to Mr.
11 Freidin's re-examination so we can finish off with Mr.
12 Armson as far as Panel 2 is concerned today.

13 MS. MURPHY: I mean, I do understand the
14 concern of my friend and of the Board and I am just
15 concerned that in order to respond with something that
16 is practical, that would actually give the kind of
17 information that people are interested in, be
18 reproduceable and so forth, I do need to discuss that
19 with the people who are the experts in this.

20 THE CHAIRMAN: Okay. The Board would
21 really like to see this particular site visit take
22 place July 18th, for that week, for a number of
23 reasons. And we would also, of course, like to
24 facilitate the parties having some input as to what the
25 Board should or should not see, and the Board is fully

1 prepared to decide those activities, to make a decision
2 on those activities and the locations, but we also
3 realize that the parties should fairly have some idea
4 or an appropriate basis upon which to put forward those
5 suggestions to the Board.

6 So I think the Board would like you to
7 make those enquiries and see when the earliest you
8 could have that kind of documentation available to the
9 other parties.

10 Now, we are not suggesting, quite
11 frankly, that all of this information, the detailed
12 maps and everything else, get distributed throughout
13 the province, I think that is unreasonable. We are
14 going to be taking additional site visits, we will have
15 input from other parties not present on a full-time
16 basis when we go to other locations or at other points
17 in this hearing, we can perhaps pick up some of their
18 concerns at that time.

19 We do intend to put on the Board's
20 toll-free information number an indication that this is
21 what the Board will be doing during the week of July
22 18th, certainly, so parties other than those in
23 attendance full time will be able to decide whether
24 they would like to take part and be one of the three
25 representatives of the additional three parties; that

1 is, assuming that all of the full-time parties wish to
2 appoint a representative to go.

3 If it turns out that there is not that
4 kind of interest from parties other than those in
5 full-time attendance that does not necessitate, for
6 example, the large helicopter, then we may go to a
7 smaller one for those who wish to attend.

8 So if you could come back and indicate
9 logistically when that documentation might be ready,
10 then we might consider extending, by a week, the
11 written submissions from the parties, bearing in mind
12 that we would still like to be able to put this
13 together for the week of July the 18th.

14 MS. MURPHY: Well, what I would have to
15 do is have some discussion that would help me to advise
16 the Board, first of all, what kind of information would
17 be available and in what way that could be put together
18 and what it would contain.

19 THE CHAIRMAN: And, again, you may find
20 that there are types of maps that are already produced
21 that may provide some of that information that could be
22 obtained, I don't know.

23 MS. MURPHY: We will look into that.

24 THE CHAIRMAN: Mr. Edwards, exactly what
25 type of information are you asking?

1 MR. EDWARDS: Mr. Chairman in the MNR's
2 original proposal, the Order sought was that they
3 include -- voluntarily, that they would produce what
4 they called a basic map indicating the expected
5 location of timber management activities, in
6 particular, in a proposed area.

7 Now, this map here is, I am told, almost
8 impossible to reproduce in the sense that the federal
9 maps are not easily available or available at all in
10 Thunder Bay. And so we have here something we are
11 discussing that we cannot easily recreate.

12 Now, in speaking to my friend over the
13 break, I was led to believe that the guidebook material
14 would contain a lot of this information.

15 MS. MURPHY: Just not to get confused,
16 what we were discussing over the break was the material
17 that I am referring to there in step 2, not the
18 guidebook, and that would have set out certain other
19 preliminary information which I thought people needed
20 for exactly this purpose.

21 MR. EDWARDS: Well, perhaps I
22 misunderstood then. Maybe the elimination of the
23 guidebook doesn't eliminate the production of any
24 information. Nowhere in the Board's Order is there a
25 requirement for the MNR to produce, as I see it,

1 anything, and I just want to be assured that we will
2 have something that we can at least reasonably discuss
3 with our clients by next week and I am sure...

4 THE CHAIRMAN: Well, the Board thinks,
5 given the way this particular map is constructed and
6 the information that it contains on it, that it would
7 be helpful to the parties to have some additional or
8 information by way of the preliminary nature described
9 by Ms. Murphy in Item 2 of her proposal.

10 It is not the guidebook material, it is
11 this other preliminary information. That is what I
12 think you would be seeking instructions from your
13 experts as to what could be produced. But would it be
14 helpful to indicate exactly what type of information
15 you are looking for?

16 MR. EDWARDS: Well, I would ask the Board
17 to direct that the MNR produce this more detailed
18 proposal, I guess as identified as step 2, shortly.

19 I understood that it could be produced by
20 next week and that is enough time for me to come back
21 to the Board by June 27th, which is the original target
22 date. Now, if they have got a map which contains
23 substantially all of the information that is on this
24 map, and even perhaps not even in identical form, that
25 is sufficient for my purposes.

1 THE CHAIRMAN: Well, could you come back,
2 while we are dealing with Mr. Freidin and the
3 re-examination, shortly afterwards and indicate what
4 you could or could not come up with within these time
5 frames.

6 MS. MURPHY: Yes, that was my suggestion,
7 Mr. Chairman.

8 THE CHAIRMAN: Mr. Cassidy?

9 MR. CASSIDY: Mr. Chairman, just a few
10 matters I think of clarification. One might be, again,
11 addressed to the MNR in relation to the use of two
12 helicopters, and I have one personal experience with
13 this and, that is, that the intercom system in the
14 helicoptes can be connected so that both helicopters
15 can hear what the other is saying, and I just ask the
16 MNR to ensure that that is the case in this particular
17 situation.

18 THE CHAIRMAN: Well, again, I know it can
19 be and, I think to some extent, it is a function of
20 what aircraft are available and what kind of equipment
21 they have on it.

22 MR. CASSIDY: That is what I am concerned
23 about, because I am advised that sometimes those large
24 helicopters have intercom systems that aren't
25 compatible with the smaller helicopters, although I am

1 also advised that if they are properly structured or
2 fitted they can be done. I am concerned about that.

3 THE CHAIRMAN: Well, the Board does not
4 view that really as a major problem, because the Board
5 in its own helicopter with the guide and the pilot, as
6 I say, are just going to be looking at what the Board
7 has decided it wants to see and any discussion will be
8 solely of a factual nature.

9 What the parties do who are accompanying
10 the Board in the second helicopter amongst themselves
11 is entirely up to them.

12 MR. CASSIDY: I agree with that, Mr.
13 Chairman, subject to this comment, and that is: That
14 on occasion, I can see a situation arising where you
15 are flying over an area and the MNR guide may not know
16 the answer to a question involving one of my client's
17 properties and may want to ask that question. In fact,
18 you may want to direct that question strictly on a
19 factual basis and we would be flying over and not get
20 the information that you want.

21 THE CHAIRMAN: Well, that often happens.
22 What I am trying to say is: We may not get every
23 little piece of information that we want, but you must
24 realize that often we go on these site visits on our
25 own.

1 MR. CASSIDY: I appreciate that.

2 THE CHAIRMAN: And have no one to ask and
3 just observe and understand what we can.

4 Again, if it is available for this
5 inter-helicopter communication on an easily arranged
6 basis, fine; if it is not, then we may have to do
7 without it.

8 We are suggesting a larger helicopter
9 because we understood that it is - primarily, I guess
10 for safety reasons - it is not advisable to take three
11 on one of these flying visits. If it is -- I mean if
12 that is not a concern, then maybe that can, you know,
13 be two mid-sized ones and the Board's one as well.

14 MS. MURPHY: I am advised that they can't
15 take three.

16 THE CHAIRMAN: Can or can't?

17 MS. MURPHY: Cannot.

18 THE CHAIRMAN: Cannot, that is what we
19 understood. So it really should be two and we want the
20 larger one because we do want to offer the opportunity
21 for two or three designates of parties, other than the
22 parties in full-time attendance, to be able to
23 participate.

24 MR. CASSIDY: My final matter of
25 clarification is you have indicated that by June 27th,

1 or whatever date is ultimately decided on, you wanted
2 the parties to indicate who their designate is going to
3 be.

4 This goes back to my earlier comment
5 about whether or not I am going to advise my client
6 that I should go, as opposed to a technical
7 representative, and that depends largely on what the
8 other parties do. I have been in a helicopter and have
9 no particular interest in personally just going,
10 however, if there is another lawyer present I may feel
11 compelled. And all I am suggesting, Mr. Chairman, is
12 that if you receive an indication of who the designate
13 is that the parties might have to -- or may wish to
14 make a change in who the designate is.

15 THE CHAIRMAN: Well, I am not sure we
16 care much who the designate is. What we are looking
17 for really, if I might put it this way, which bodies
18 are going to be present representing various parties.
19 I mean, we don't much care whether they are counsel or
20 whether they are technical people.

21 MR. CASSIDY: You don't want aero-empathy
22 and...

23 THE CHAIRMAN: Well, there won't be any,
24 I would suggest.

25 MR. CASSIDY: However my question is:

1 Can or will the parties be in a position to change
2 their designate upon giving that list?

3 THE CHAIRMAN: Put it this way the number
4 of parties in full-time attendance are really a small
5 number. Why don't you all set it up amongst yourselves
6 to have a conference call on a certain date amongst the
7 six of you and just discuss it amongst you and
8 indicate, you know, after you have consulted with your
9 clients, as to who you want to appoint and decide
10 amongst you who you want to send.

11 We do not care so much about the names of
12 the specific people, we just want to know that such and
13 such a party is going to be have a designate so we can
14 look at the ultimate numbers and then see how many
15 spaces are available for somebody who is not in
16 full-time attendance.

17 MR. CASSIDY: Thank you.

18 THE CHAIRMAN: And I think you can sort
19 it out. Surely you can communicate with each other
20 during the week or so.

21 Mr. Williams?

22 MR. WILLIAMS: Thank you.

23 Mr. Chairman, I just had one other point
24 of clarification. I don't believe this has been raised
25 before although I did raise it with Mrs. Murphy

1 yesterday, and that was as to the advisability or the
2 helpfulness of using videotape equipment to take video
3 tapes from aerial or ground view, whether that could be
4 done, either--

5 THE CHAIRMAN: No way.

6 MR. WILLIAMS: --either on behalf of the
7 Board's or by individuals attending at their
8 discretion.

9 THE CHAIRMAN: No, I think we are going
10 to prohibit videotape equipment on-board with these
11 site visits because we are not going to get involved
12 when we get back into the evidentiary problems that
13 would result from one party taking a video of something
14 that they see and, you know: We didn't go and see the
15 opposite of whatever that video shows.

16 And, believe me, it will be to the
17 benefit of everybody and this hearing if the Board goes
18 out, gets his own impressions of what it wishes to see
19 based on submissions, to some extent made by the
20 parties, and comes back, reports on where it went, who
21 was present, the date on which the site visit took
22 place, and we will place whatever weight we want to on
23 whatever we saw, and we will use the information in
24 whatever way we feel is helpful and beneficial to our
25 consideration of the overall application.

1 And we don't want to go beyond that in
2 terms of the site visit. We are not going to get into
3 an evidentiary game over how we are using that.

4 MR. WILLIAMS: No, I understand. That
5 was a clarification I sought, Mr. Chairman, because if
6 the Ontario Federation of Anglers & Hunters does
7 appoint someone locally in Dryden to participate, they
8 wouldn't be probably asking and we would be inviting
9 them to take on camera equipment, if it was
10 permissible. But I understand you are saying and I
11 will advise them accordingly.

12 THE CHAIRMAN: I think the Board would
13 like to indicate that it does not wish camera or video
14 equipment--

15 MR. WILLIAMS: Thank you.

16 THE CHAIRMAN: --to be utilized during
17 this site visit.

18 Any other comments by way of
19 clarification on this?

20 MS. SEABORN: Just one comment, Mr.
21 Chairman.

22 You said at the end of your statement on
23 site visits that you will then consider -- look at this
24 site visit and see how it is worked out, and the only
25 thing I would do is urge the Board at that point to

1 take into account Mr. Castrilli's comments about timing
2 so that we are not again in a position somewhere down
3 the road of reacting to a second proposal from MNR and
4 rehashing the whole issue.

5 And I would urge the Board to think
6 about, after the first site visit, issuing its
7 interaction before another proposal is put in place.

8 THE CHAIRMAN: I think that is a good
9 suggestion. Again, like anything else with these large
10 complex hearings, we have to start somewhere and we
11 feel that we want to get an initial site visit off the
12 ground and certainly mid-summer is a good time to see
13 some of the things we would like to see, and there will
14 be other opportunities in different seasons of the
15 year.

16 But, in order to get it going, we have
17 chosen to proceed in this way: Upon our return we will
18 issue some perhaps procedural directions regarding the
19 next one, taking into account our experiences of the
20 first one and hopefully improving any inadequacies that
21 may develop.

22 Very well.

23 I think Mr. Freidin, we would like to
24 move on, if we could, with your re-examination. We are
25 not proposing, counsel, to break for lunch at this

1 point because Mr. Freidin indicated that you would be
2 three quarters of an hour to an hour?

3 MR. FREIDIN: (nodding)

4 THE CHAIRMAN: So that we would like to
5 finish off with the re-examination.

6 Hopefully Ms. Murphy can come back and
7 give us the information we sought, and then we can
8 adjourn for the day, if that is okay.

9 MS. MURPHY: I expect to be at least half
10 an hour.

11 THE CHAIRMAN: Well, I trust your
12 colleague will probably be longer, although you do not
13 have to be, Mr. Freidin, if you do not want to be.

14 MR. FREIDIN: I have one piece of very
15 practical advice for anyone that wants to go on the
16 site visits; that is, if you have any tendency to get
17 airsick, as I did the first time I went on a
18 helicopter, those little patches you put behind your
19 ear are great, they work but you have got to put them
20 on 24 hours before you fly.

21 THE CHAIRMAN: We are a little dubious
22 about Ms. Seaborn accompanying us on one of these.

23 MS. SEABORN: I can advise Mr. Cassidy
24 that I will not be going.

25 MR. CASSIDY: Well, that is one less --

1 or, I should say, two.

2 MR. FREIDIN: And I understand, Mr.
3 Martel, that somebody was going to say that the
4 proposal should have been called the Guidelines for
5 Preparation of Site Visits and the final should have
6 been called Site Visit Guidelines, but I said no.

7 THE CHAIRMAN: Okay, let's get serious.

8 KENNETH A. ARMSON, Recalled

9 RE-EXAMINATION BY MR. FREIDIN:

10 Q. Mr. Armson, you were cross-examined
11 by Mr. Castrilli on June the 9th and you were asked a
12 number of questions regarding land inventories.

13 And I understand you will be discussing
14 some of those soil surveys in more detail in the next
15 panel, but I want to read to you from the transcript of
16 June the 9th, page 2536 lines 22 to page 2537.

17 Line 4 and this is after you got into
18 this question of soil surveys and land inventories.

19 "MR. CASTRILLI: Q. Well, didn't you
20 regard such an inventory as necessary for
21 silviculture and secondary uses?

22 A. It is very useful and, in fact in
23 certain instances quite important
24 information in making --..."

25 And then a hesitation:

1 "...in the carrying out of silvicultural
2 practices and particularly it normally
3 enters into the development of
4 silvicultural prescriptions."

5 I would like you to advise what did you
6 mean -- or what are silvicultural practices that you
7 referred to, and what did you mean when you used the
8 phrase "silvicultural prescription", and could you
9 advise how is the inventory of land important
10 information in carrying out silvicultural practices as
11 you indicated, and how does it enter into the
12 development of silvicultural prescriptions?

13 A. Okay. If I may take the first then:
14 What are silvicultural practices.

15 Those are activities such as harvesting,
16 site preparation, regeneration activities - which may
17 be seeding or planting - and various activities
18 undertaken under the generic term of maintenance, but
19 which we often, in the silviculture area, refer to as
20 tending and that may include thinning.

21 The thinning may be what is termed
22 pre-commercial; that is, thinning of stands in which
23 the stems which are cut have no commercial value. That
24 would be normally in very young stands to space them
25 out, if you might, to grow carrots or they may be

1 commercial thinning in which you are taking out
2 material which may be utilized for pulpwood or bowls or
3 whatever.

4 In the boreal forest we are normally
5 dealing normally only at this stage with
6 pre-commercial; that is, in the younger stands. That
7 is the array of practices I was referring to.

8 Q. And those practices are all a
9 separate -- the matter of a discussion by various
10 panels dealing with the activities?

11 A. Those practices will all be described
12 in subsequent panels.

13 Q. Okay. So the second question...?

14 A. The second question then was: what
15 Is a silvicultural prescription.

16 This is a term that has become more
17 prevalent in use and it refers to the, in a documentary
18 way, writing down of the nature of practice that will
19 be carried out in a given area or stand and usually a
20 specification as to the objective and any standards
21 that might be attached to that.

22 In addition, though not necessarily,
23 there is often -- when these are made, they are made
24 with respect to specific topographic soil or other
25 carrying conditions.

1 So the prescription is a statement of
2 what is to be done, but as part of that, it normally
3 includes where, the purpose, standards in some cases,
4 and the conditions under which it would be carried out.

5 THE CHAIRMAN: And, as I understand it,
6 these are part of the agreements?

7 THE WITNESS: In the development of
8 negotiations -- they were agreed to as a formal
9 requirement in the actual agreement, in the ground
10 rules of that agreement. That's correct, Mr. Chairman.

11 THE CHAIRMAN: So then do these become
12 then sort of the conditions of the agreement; if you do
13 not follow the silviculture prescription you are, in
14 effect, in breach of the agreement?

15 THE WITNESS: Yes, but there was a
16 recognition over any five-year term, what are
17 characteristic I think in many areas, that either the
18 development of a new technology or, as a result of
19 experience there is, in the agreement, a statement that
20 there may be some flexibility in there, to some degree,
21 but that is only upon consultation of Ministry staff
22 and approval.

23 But it was not to provide for the
24 solution where you had an inflexible prescription that
25 was found to be inadequate for in need of amendment.

1 THE CHAIRMAN: But any amendments would
2 have to be approved by the Ministry?

3 THE WITNESS: That is correct, sir.

4 MR. FREIDIN: Q. Are there silvicultural
5 prescriptions or things like them in timber management
6 plans?

7 A. They are required by the Timber
8 Management Planning Manual and, therefore, are embodied
9 in that document, in the plan itself.

10 Q. What are they called in the timber
11 management plan, if you know?

12 A. I think they are referred to as
13 silvicultural prescriptions or specifications. It
14 slips my mind.

15 Q. Would it be of any assistance for you
16 to look at the document?

17 A. Yes, I have the manual here. There
18 is a -- yes, Mr. Chairman. They are referred to in the
19 Timber Management Planning Manual.

20 MR. FREIDIN: Which I believe is an
21 exhibit, Exhibit 7, Mr. Chairman.

22 THE WITNESS: There is an item on page 63
23 and there it is called silvicultural ground rules and
24 operational prescriptions.

25 MR. FREIDIN: Q. What page was that, I

1 am sorry?

2 A. That is page 63.

3 Q. I understand that that table and
4 others that deal with silvicultural ground rules will
5 be discussed by later panels?

6 A. Yes. If might perhaps -- if the
7 Board -- this Table 4.11 on the next page, that would
8 be page 65, although it isn't numbered in my manual,
9 but it is -- indicates the elements that I referred to
10 in answering the question about what is a silvicultural
11 prescription.

12 Does the Chairman wish me to...

13 Q. Fine.

14 THE CHAIRMAN: I think we have got the
15 reference, so we can read it. Thank you.

16 MR. FREIDIN: Q. The third part of the
17 question, Mr. Armson: How was the inventory of land
18 important in carrying out silvicultural practices and
19 how does it enter into the development of silvicultural
20 prescriptions?

21 A. Well, it is important because, as I
22 have indicated, the definition of the area and, in
23 particular, certain attributes of that area in terms of
24 the soil or soil -- elements of the soil or terrain,
25 are extremely important in terms of what can be

1 achieved there in relation to the overall objectives;
2 that is, if the soils are wet or well-drained or if
3 they are stony, shallow.

4 As has been pointed out, these are all
5 important items bearing on the type of activity, the
6 season of the activity and the way in which that
7 activity may be carried out with respect to certain
8 types of equipment, and so on.

9 So, therefore, the inventory of that land
10 is important.

11 Q. Thank you.

12 A. I think I have explained, therefore,
13 described how it enters into the prescriptions.

14 Q. Thank you very much, Mr. Armson.
15 Would you look at Exhibit No. 63 which is the Ontario
16 Professional Foresters Association's Brief on Forest
17 Management in Ontario dated January, 1977.

18 Have you got that?

19 A. Yes.

20 MR. FREIDIN: This is what it looks like,
21 Mr. Chairman.

22 THE CHAIRMAN: Just a moment, please. I
23 think I will share Mrs. Koven's.

24 MR. FREIDIN: All right.

25 Q. Would you turn to page 7 of that

1 document and I am going to ask you -- Mr. Castrilli
2 asked you some questions about the two paragraphs which
3 appear at the bottom of page 7, and I am going to refer
4 you to a part of the transcript in relation to Item No.
5 2.

6 So if we could just read that No. 2
7 together:

8 "Forest inventory techniques and
9 procedures must be improved and the
10 responsibility for their implementation
11 de-centralized to ensure field staff
12 participation."

13 And there is a reference to pages 55 to
14 57 which you indicated were the pages of your 1976
15 report?

16 A. Yes.

17 Q. At page, again on June the 9th at
18 page 2568, beginning at line 21 and running over to the
19 next page, to line 5, the following exchange took place
20 between you and Mr. Castrilli, and he says:

21 "MR. CASTRILLI: Q. Okay, thank you."

22 On the second point on that page,
23 referring to the one I just read to you, he said:

24 "'Forest inventory techniques and
25 procedures must be improved.'"

1 He stopped there, he didn't read the last
2 part.

3 "The reference is there to pages 55 and
4 57 in your old report..." et cetera.

5 "Do you agree with that summary?

6 A. Yes?

7 Q. Your answer is yes?

8 A. Yes."

9 Now, what I want to know from you, Mr.
10 Armson, is when you agreed with Mr. Castrilli, were you
11 agreeing to the part of No. 2 that he read to you,
12 which is the first sentence, or were you agreeing to
13 all of Item No. 2?

14 A. No, I was agreeing to the part he
15 read to me, because he asked me about that only.

16 Q. Thank you. At the same transcript,
17 Mr. Armson, there was an exchange of questions and
18 answers between you and Mr. Martel.

19 This arose out of cross-examination and
20 it related to the public wanting to know the success
21 rate or the failure rates of MNR efforts in relation to
22 survival.

23 That occurs in the transcript at page
24 2581 and in that discussion you stated, at page 2582
25 beginning at line 9 and running through to line 19, you

1 answered in this way:

2 "THE WITNESS: Whether or not in fact the
3 trees that survive as a percentage
4 survival rate in fact grow through to
5 become part of our inventory is a much
6 more important question, and yet the
7 survival data in itself doesn't provide
8 that information. So that a lay person,
9 if he told that the areas that are
10 regenerated by whatever means, that this
11 amount either percentage or total area
12 has moved from the regeneration into the
13 forest land base as part of the
14 inventory, is in fact a much more crucial
15 and indeed critical piece of knowledge."
16 My question for you is: Why is the tree
17 becoming part of the inventory a more important
18 question than the survival data?

19 A. Because it then enters into the
20 production forest and, in fact, is the basis on which
21 we can determine what will be the future timber supply.

22 If it is only a surviving one at some
23 early stage; that is, has some importance obviously,
24 but the critical thing is does the regenerated area
25 enter into production forest land base or the on-going

1 continuity of supply.

2 Q. Are there any criteria which indicate
3 that whether a tree gets into the inventory or doesn't?

4 A. They are basically for areas of trees
5 and we use the term - and again, Mr. Chairman, it is a
6 common word but used in a jargon sense - free to grow
7 as the criteria for determining whether the area of
8 trees moves from -- moves into the inventory.

9 And that free to grow embraces two
10 elements: One is the growth of the stand in
11 relation -- of the desired species in relation to not
12 only itself but competing vegetation, and the other is
13 what is referred to as the stocking. Again, another
14 jargon and technical term.

15 Q. I understand both the free to grow
16 and concept and the stocking is the subject matter of
17 evidence in Panel No. 4?

18 A. That is correct.

19 Q. Thank you. In his questioning of you
20 Mr. Castrilli used, when we are talking about survival
21 in stocking, he used the term from time to time
22 absolute free survival.

23 Firstly, are there assessments which are
24 called absolute tree survival?

25 A. No.

1 Q. What did you interpret him -- the
2 phrase absolute tree survival to mean when he used that
3 in his questioning?

4 A. I believe he was on the -- I had some
5 difficulty, but I believe what he meant was that if you
6 planted a hundred trees then you had a hundred trees
7 survive and that was it, that was an absolute survival.

8 That was my understanding, it meant a
9 hundred per cent of all of the trees that were planted,
10 all of them survived.

11 Q. And I understand that survival
12 assessments will be discussed in Panel No. 4 again?

13 A. That is correct.

14 Q. Perhaps I can just ask: If you do a
15 survival assessment - and I don't want you to get into
16 how you do it -- if you plant a hundred and when you go
17 back and do your assessment there are 80 of them, how
18 describe your success rate in that situation?

19 A. I would normally consider that, in
20 terms of success --

21 Q. In a percentage how you would
22 describe them.

23 A. As a percentage. Oh, 80 per cent.

24 Q. Thank you. Mr. Williams was
25 interested in the role of the Ministry foresters, the

1 management unit foresters.

2 He asked you a series of questions about
3 what the historical role of the professional forester
4 was, and that particular examination starts at page
5 2621 of the transcript for June the 15th, 1988 on -
6 pardon me, 2621, I'm sorry, starting at line 19 and
7 running over to 2622 -- actually I am sorry, it covers
8 a number of pages. I haven't got the exact reference.

9 Let me ask you this question: Has the
10 role of the forester in forest management, which was
11 raised by Mr. Williams in cross-examination, has the
12 role of the management unit forester been the subject
13 of any recent reports?

14 A. Well, the Baskerville report dealt
15 with the role of the forest management forester.

16 Q. And were you involved in preparing
17 any reports in relation to that topic?

18 A. Yes, I was. I was chairman of a
19 committee that was a part of the action plan.

20 Q. I am showing to you a document
21 entitled Report on Unit Foresters and Their Career
22 Development dated July, 1987.

23 Is that the document you authored?

24 A. That is the document.

25 MR. FREIDIN: Can I enter that as an

1 exhibit, Mr. Chairman?

2 THE CHAIRMAN: Very well. I think that's
3 Exhibit No. 77.

4 Exhibit 77 is a Report on Unit Foresters
5 and Their Career Development dated July, 1987.

6 ---EXHIBIT NO. 77: Report on Unit Foresters and
7 Their Career Development dated
July, 1987.

8 MR. FREIDIN: Q. From that same
9 transcript, Mr. Armson -- this is at page 2622 starting
10 at line 19, and I am going to read to you over the page
11 to 2623 line 5.

12 "Q. But am I correct in the observation I
13 made a moment ago that the role of the
14 professional forester remains as dominant
15 and as important in the process as it did
16 from the beginning while the process was
17 being developed?

18 A. Yes, it does, Mr. Williams and it
19 does for what I believe is a very simple
20 reason in that the timber management plan
21 deals with many activities, but one of
22 the key ones is in the manipulation of
23 the forest vegetation, the tree cover,
24 and that is the area of expertise
25 Particularly of the forester."

1 My question, sir, is: What did the
2 phrase manipulation of the forest vegetation mean in
3 this context?

4 A. That means and refers to those
5 activities which previously I spoke of as part of the
6 silvicultural practices; that is the harvesting,
7 regeneration practices and so on.

8 Q. Is there any significance to the word
9 manipulate?

10 A. Manipulate, because in the management
11 of forests one does have to manipulate the vegetation,
12 that is part of the element of harvesting by thinning,
13 by carrying out activities that effect not only tree
14 vegetation but may effect other vegetation in the area.

15 Q. Thank you. At page 2648 of the
16 transcript - this is all June the 15th - starting at
17 line 4, Mr. Williams asked a question:

18 "Q. Do you feel there is an
19 overabundance of professional foresters
20 within the Ministry that would tend to
21 have a greater empathy towards or
22 interest in the forest products side of
23 the equation rather than the total timber
24 management consideration as is the
25 Board's mandate to be considered here?"

1 Your answer was:

2 "A. That would probably be true because
3 their main activities would be those
4 relating, as I say, to timber management
5 activities very specifically directed
6 towards the production of timber for the
7 most part."

8 And then you went on, he asked whether
9 that would impede or prejudice the application of
10 integrated resource management and you said no, and you
11 referred to the planning team where you have
12 representatives of various disciplines.

13 My question is: When you used the word
14 overabundance or you agreed there was an overabundance
15 of professional foresters, could you give me some idea
16 what you meant by overabundance?

17 A. I took it in Mr. Williams' terms he
18 was referring to the fact that the foresters who were
19 there, those that were there were primarily or had a
20 major interest in their management towards producing
21 timber.

22 In absolute terms of whether -- I didn't
23 want my response to indicate that there is an
24 overabundance of foresters or management foresters in
25 the province or within the Ministry. That is certainly

1 not in my view the case.

2 Q. There was some discussion about
3 licensing, Mr. Armson, I believe this was still Mr.
4 Williams' cross-examination and he asked you, after
5 getting you to agree that -- about the FMAs covered
6 about 69 per cent of the licensed area, he put a you
7 question to you:

8 "Q. There is a clear trend to rely more
9 and more on FMAs?"

10 And you answered:

11 "A. Yes."

12 My question for you is: Do you believe
13 that a hundred per cent of the area licensed will
14 become FMAs?

15 A. No.

16 Q. Why not?

17 A. I believe for one of the reasons I
18 mentioned earlier; that is, if the Ministry is to have
19 the capability of monitoring and, in particular
20 maintaining its expertise, then I would suggest one
21 very practical element of that, under the current
22 situation, is determining what it costs to do -- carry
23 out certain silvicultural activities, it can only do
24 that by retaining areas of Crown management units at
25 the operational level in various parts of the

1 undertaking.

2 Q. I refer you to the same transcript at
3 page 2733, lines 11 to 24.

4 Mr. Williams was discussing with you the
5 progression or the history of the three FMA review
6 documents and how they developed in relation to
7 specifically integration of other resources from the
8 first to the third one.

9 And he says -- asks you on page 2733
10 starting on line 11:

11 "Q. And you also pointed out, and I will
12 concede, that by the time we have reached
13 the third review that they are moving
14 away from the conceptual integrated
15 resource management approach to the more
16 practical specific approach to
17 integration with other forest users.
18 So instead of dealing in a philosophical
19 way..."

20 I think you said at the outset, you
21 agreed that perhaps it was a pretty nebulous approach,
22 but now they are getting into more specifics.

23 And when you say that this is recognized
24 in the third five-year review as such, your answer was

25 "A. Yes, I would say it is both in the

1 words and terminology and the amount of
2 space devoted to it."

3 Now, the document you were speaking about
4 was Exhibit No. 69, the third year review. And Mr.
5 Armson, can you advise me first whether the plans -- if
6 you are able, whether the plans that would have been
7 looked at as part of these reviews, would they have
8 been prepared under the present Timber Management
9 Planning Manual or one of the earlier editions?

10 A. No, they would have been prepared
11 under what was termed the Forest Management Manual that
12 came into effect in 1980 with the first forest
13 management agreements.

14 Q. There is reference in this document
15 to MMAs modified management areas. That particular
16 jargon is not used in the new manual?

17 A. That is correct.

18 Q. Is there something sort of equivalent
19 to it in the new manual?

20 A. There is the designation of areas of
21 concern.

22 Q. Thank you. Now, you indicated in the
23 transcript that that recognition, or this approach to
24 integration changing was evident in this document both
25 in the words and terminology and the amount of space

1 devoted to it.

2 Could you direct the Board to the sections
3 and words which deal with that particular topic in
4 relation to each of the FMAs which are contained or
5 reviewed in this document?

6 A. Yes. In the document on page 11,
7 there is a Table of Contents for the first agreement,
8 that is in the combination, and I would direct the
9 Board's attention to, in that Table of Contents, Item
10 2.8 and the words there are: Integration with other
11 forest users.

12 Q. Now, this is the refview of the
13 Quebec and Ontario Paper Company Limited as indicated
14 on the page just previous to that?

15 A. That's correct.

16 Q. So could you go to page 27?

17 A. Page 27 then is a full page and over
18 on page 28, there are recommendations relating to that.

19 Q. Mr. Armson, I am not going to have
20 you read out the whole thing, but just to highlight
21 this section, there is reference in the first paragraph
22 to modified management areas.

23 A. That's correct.

24 Q. And that's what we have just
25 discussed. It says in the third paragraph:

1 "A major constraint in the agreement area
2 is the presence of 23 registered tourist
3 operators with fly-in lodges and 17
4 out-post camps."

5 Could you indicate what the view was of
6 review team as to how the company had dealt with that
7 matter?

8 A. Well, further on in that paragraph I
9 think there is a very key sentence and if I may read
10 it, it says:

11 "The company has shown a sensitivity to
12 this problem by meeting with the tourist
13 operators over the tourism issues."

14 And I think that is a key statement.

15 Q. Is there a reference as to whether or
16 not this review team considered the approach to fish
17 and wildlife as demonstrated in this plan that was
18 being reviewed?

19 A. Yes. On page 28, the second
20 paragraph, it says:

21 "Generally fishing and wildlife
22 interests have been well accommodated by
23 forest operations."

24 And it goes on to indicate what specific
25 examples relating to it: heronry, a moose wintering

1 area and also the reference to the location of roads
2 and with respect to the major water bodies.

3 Q. And I see in the next paragraph there
4 is reference to bridge construction and installation of
5 culverts?

6 A. Yes.

7 Q. This would have been visited then by
8 this review team?

9 A. I would expect so. That's why they
10 were writing about them.

11 Q. Right. And the indicating is that
12 they were generally well handled, but at three of the
13 inspected sites, bank stabilization could be improved?

14 A. That is correct.

15 Q. And there is reference that they
16 considered mining activities in the next paragraph?

17 A. Yes.

18 Q. could you go to page 51 which is the
19 similar section in relation to the forest management
20 agreement with Pineland Timber Company Limited?

21 A. Yes.

22 Q. And am I correct that there is a
23 similar section which begins on page 50?

24 A. That is correct.

25 Q. Could you identify the various

1 matters that the review team considered or looked at in
2 this particular matter and generally what their
3 conclusions were?

4 A. Well, first of all, with respect to
5 the terminology of modified management areas and other,
6 the review team noted at the top of page 51:

7 "Water crossings were examined during the
8 field trip and found to be generally
9 well-handled."

10 And then in the next paragraph it refers
11 to the matter of how the company respected modified
12 management agreement areas and I quote:

13 "In conducting its operations, the
14 company has respected the MMAs with only
15 one inadvertent trespass during the five-
16 year term, but it has regularly requested
17 Approval to carry out modified cutting
18 within these areas. Some joint on-site
19 inspections have been made to arrive at
20 Prescriptions for specific areas. These
21 have mostly been successful, however,
22 more effort is required to resolve in a
23 collaborative manner..."

24 Q. Mr. Armson, I am just going to point
25 out that there was some concern about the approach of

1 that particular company, that company has a system
2 concern about the approach in the matter of integration
3 of other values, indicated in the paragraph just above
4 recommendation on page 51, and there was a
5 recommendation made in relation to it.

6 For the Boise Cascade Zane River FMA, do
7 we get the similar section at page 51 -- pardon me, 73?
8 Would this be the words and text you would have been
9 referring to in your answer?

10 A. Yes. And if I might, I refer the
11 Board to page 74 of that document and, particularly,
12 the second paragraph -- the full paragraph there and it
13 begins:

14 "The committee was impressed with the
15 sincerity of company efforts to
16 accommodate other users."

17 And it goes on to describe...

18 Q. All right. And the document speaks
19 for itself.

20 We have at page 98 and 99 the similar
21 section do we not, Mr. Armson, in relation to the Boise
22 Cascade Manitou Forest FMA?

23 A. Yes, and the words are in fact -- the
24 first sentence is identical and I presume this was with
25 the same company and, therefore, the same agreements

1 and it is quite clear and they do itemize however,
2 specific instances where the company was dealing in one
3 case with an individual operator.

4 Q. And that particular reference is in
5 which paragraph?

6 A. That is on page 98.

7 Q. And what was the problem in the
8 accommodation that was worked out in that case?

9 A. The question there was the timing of
10 the operations. I think we referred to sequential use
11 and this is rather a good example of how the two users
12 have come to an agreement so that, in this case, rather
13 interestingly the tourist operator agreed not to fly in
14 guests during a specified date.

15 It is usually the other way around when
16 the Ministry agrees not to do something. I think that
17 shows the mutual way this was resolved.

18 Q. And in that particular case what
19 accommodation did the company make, the timber company?

20 A. It agreed to do the cutting
21 essentially in the winter time and not to cut during
22 the high tourist season.

23 Q. And the last one is the waferboard --
24 let me make sure I get the right name - the Waferboard
25 Corporation Limited and am I correct that the section

1 that we are talking about the integration is found
2 commencing on page 123 of that agreement?

3 A. That is correct.

4 Q. And again, the agreement will speak
5 for itself -- pardon me, the document will speak for
6 itself and I don't intend to take you through it.

7 Q. Those are all of the sections that
8 you were referring to, Mr. Armson?

9 A. Yes that's correct.

10 Q. Now, would you get out your copy of
11 the Baskerville Report, Exhibit 16, and would you
12 please turn to page 84.

13 Now, will you just take a moment, Mr.
14 Armson, and read through the second paragraph - I don't
15 want you to read it out loud. That particular
16 paragraph deals with Dean Baskerville's concern about
17 no objectively measurable standards for non-timber
18 values.

19 Just take a moment, will you, and read
20 that paragraph.

21 A. Yes, I have.

22 Q. In relation to that particular
23 paragraph, you gave some evidence starting on page
24 2750 - this is still where you are being cross-examined
25 by Mr. Williams - line 22, running over to page 2752,

1 line 4, where you described how there was movement to
2 quantifiable "objectively determined objectives", you
3 used those words on page 2271, and you were referring
4 to the ESSA workshop which was -- or the ESSA project
5 which was part of the action plan Item No. 10.

6 Do you remember that?

7 A. Yes, I do.

8 Q. So you were dealing with that
9 particular part in that fashion.

10 The part of the Report that we find this
11 section in, am I correct, sir, that it is in the
12 Summary of the Report?

13 Now, I want you to -- the paragraph that
14 you read, took a moment to read.

15 A. Yes, that is correct.

16 Q. Is it in the Summary of the
17 Baskerville Report or in the text part of it, like the
18 actual text part of it?

19 A. The paragraph that I read?

20 Q. All right, you read a paragraph on
21 page 84?

22 A. Yes.

23 Q. Will you turn to page 83. Is page 84
24 in that part of the Baskerville Report called Summary?

25 A. It was in the part called Summary,

1 yes.

2 Q. Right. And in relation to this
3 matter of integration, Mr. Armson, can you identify
4 what part of the Report itself deals with integration
5 of non-timber values?

6 A. It deals with it - if I may just go
7 back to the...

8 Q. If you look at the Table of Contents,
9 integration is referred to at page 11. Will you go to
10 page 11?

11 A. That's correct, I have it there now,
12 yes.

13 Q. Take a quick look through there, just
14 a quick look.

15 A. Yes.

16 Q. Is that the section that deals with
17 integration of non-timber values?

18 A. That is correct, that is...

19 Q. Would you take a moment and read
20 through that section. Perhaps, Mr. Armson, before you
21 continue any further, I am going to tell you the two
22 questions I am going to ask you about.

23 A. Yes.

24 Q. I am going to ask you: Does Dean
25 Baskerville describe the process used for integration?

1 A. Yes, he does.

2 Q. And the second question is: Does
3 Dean Baskerville comment on the level of integration
4 achieved in the plans that he examined, you will recall
5 he examined six?

6 A. Yes, he's very specific about that.

7 Q. Now, maybe you don't have to read the
8 whole part, but I want you to advise the Board what
9 Dean Baskerville then does say about -- how does he
10 describe the process used for integration?

11 A. He describes it in the preparation,
12 he says:

13 "The draft plan is reviewed by a group
14 from the Ministry representing the
15 various timber and non-timber values.
16 The team discusses the interaction of
17 timber management activities and the
18 long-term outcome of these activities
19 with the other uses and determines the
20 constraints to be placed upon timber
21 management. "

22 That is the process part of the...

23 Q. All right. And what does he have to
24 say about the level that integration achieved?

25 A. In terms of the cases, the six

1 instances, he was -- there in that same paragraph, he
2 goes on to state, and I quote:

3 "In four of the six cases there was good
4 involvement, particularly between the on-
5 the-ground timber and the wildlife
6 people."

7 Do you want me to read further?

8 Q. Yes, could you finish the paragraph.

9 A. Yes.

10 "In those cases, it appeared to the
11 author that integration, as it appeared
12 in the plan, was best achievable in a
13 situation where most of the key
14 relationships are not known except in a
15 most general form; i.e., in a situation
16 where rigorous optimization cannot be
17 applied. The manner in which these plans
18 gave explicit local form to vague
19 planning principles, for example,
20 diversity, was arrived at with full
21 understanding on the part of the timber
22 and wildlife people for the concerns were
23 the concerns of each other."

24 Q. Just so that we don't have to play
25 hide and seek, he refers to the plans again, does he

1 not, in the big long paragraph above the first full
2 paragraph on page 12. If you go up 7 lines, he says:

3 "In four of the cases examined..."

4 A. Yes, he does.

5 Q. Could you read Dean Baskerville's
6 comments in relation to the level of integration that
7 he observed as we have recorded there.

8 A. Yes. He says, and I quote:

9 "In four of the six cases examined the
10 wildlife and timber people believe that
11 recent harvesting had increased the
12 diversity of stand structures in the
13 forest and that the habitat was improved.

14 'In one case, the wildlife person spoke
15 enthusiastically of..." and this is a
16 quotation in the report:

17 "...using the company to do our job of
18 breaking up the natural mono-culture'
19 and was clearly probable of what had been
20 achieved. It is unfortunate that there
21 is no objective measure of this real
22 achievement."

23 Q. Thank you. Yesterday, and I am not
24 too sure who was cross-examining, you were referred to
25 the witness statement, page 29, paragraph 27, and you

1 will see that that is the reference to the creation of
2 wastelands in southern Ontario when certain
3 agricultural lands -- the soil became exhausted; is
4 that a fair comment?

5 A. That's fair, correct.

6 Q. Now, a question was put to you:

7 "Do you agree that the preliminary..."

8 This sounds like Mr. Castrilli, I think.

9 "Do you agree that the preliminary
10 lessons..."

11 You referred to this:

12 "Do you agree that the preliminary
13 lessons for permanent renewal is that
14 clear-cuts create a wasteland which are
15 expensive to renew?"

16 And you said:

17 "No."

18 A. That's correct.

19 Q. Why not?

20 A. Because the wastelands that are
21 referred to here were a result of agriculture and not
22 of clear-cutting.

23 Q. Could you describe the difference in
24 terms of what happened to the forest on that area which
25 became the wasteland and what happens in the forest

1 where areas are clear-cut?

2 A. Well, there is a total difference
3 because, in this case, the forest was cut, clear-cut,
4 if you want, and then the removal of stump, the removal
5 of the surface organic material, usually by burning the
6 waste, and then the period of years - usually many
7 decades of cultivation - in this case the
8 implementation of proper agricultural practices
9 resulted in the loss of the organic matter, total loss
10 and, of course, the sandy soil grew, and that is
11 totally different from the normal use of clear-cutting
12 practices in forestry.

13 Q. All right. Thank you. Clear-cutting
14 practices will be described by Panel No. 10.

15 You were asked some questions by Mr.
16 Castrilli about the changes in who was responsible for
17 regeneration up to 1962, from '62 to '79 and after
18 1979.

19 And he asked you, I hope I got it down
20 correctly, I don't have the transcript:

21 "Q. Do you agree that the difference
22 between what occurred under the 1949
23 versus 1976 Crown Timber Act is that MNR
24 is paying the company for regeneration?

25 A. It is a difference but not a

1 principal difference.

2 Q. What is the principal difference?"

3 He asked you, and you indicated:

4 "A. In 1979, there was a considerable
5 body of expertise developed by Ministry
6 foresters and this was the most
7 significant factor..." or was most
8 significant - I don't know whether he said 'the' or 'a'
9 most significant factor.

10 Why was the considerable body of
11 expertise developed by the Ministry foresters a
12 significant factor?

13 A. Because I think the evidence is that
14 legislation in itself or even supply of money in itself
15 doesn't necessarily bring about forestry practices, if
16 you don't know how to carry out those practices in the
17 situation.

18 My point, and I would again emphasize it,
19 that during the period from the late 50s, particularly
20 in 1962, in my opinion, the most important thing that
21 took place was the foresters in the province and in the
22 Ministry learned how to site prepare and how to carry
23 out regeneration in the area of the undertaking and
24 particularly the boreal on a large operational scale.

25 Q. You just indicated or used the word

1 or the phrase "the foresters in industry and in the
2 Ministry."

3 In the quote that I -- the way I got you
4 down anyway, you indicated or referred only to the body
5 of expertise developed by the Ministry foresters.

6 Did you intend to refer to both or was
7 there a specific reason for --

8 A. Ministry foresters there were a small
9 number in the industry, and I gave a few examples where
10 they were active in the so-called regeneration
11 agreements and they did that, by and large it was
12 Ministry rather than industry.

13 THE CHAIRMAN: If it continues much
14 longer we will deal with them once again.

15 MR. FREIDIN: Two questions or two more
16 of the yellow stickies.

17 Q. Before I leave this yellow sticky, is
18 there any specific reason for referring to Ministry
19 foresters only?

20 A. Because the Ministry had that
21 responsibility by virtue of the amended Crown Timber
22 Act.

23 Q. Thank you. Now, will you go to the
24 witness statement, page 35 and take a look at paragraph
25 55. Take a moment--

1 A. Yes.

2 Q. --and read through that, please.

3 A. Yes.

4 Q. Mr. Castrilli asked you in the
5 context of paragraph 55, what is public involvement.
6 And you answered:

7 "You would show where a draft FMA
8 would..." something or other, I didn't
9 get the words down. You referred to public notice, you
10 referred to advertisements, you referred to open
11 houses, and you referred to public information centres.

12 My question, Mr. Armson is: When you
13 were describing or referring to public involvement,
14 were you referring to the public involvement in the
15 development of a forest management agreement, as
16 indicated in the first sentence, or were you referring
17 to the public involvement after a forest management
18 agreement is signed when the FMA holder has to then go
19 out and actually prepare a timber management plan, or
20 were you referring to both?

21 A. Both.

22 Q. Thank you.

23 MR. FREIDIN: Those are my questions.

24 THE CHAIRMAN: Thank you, Mr. Freidin.

25 Well, Mr. Freidin, we have not seen the

1 return of your colleague yet.

2 MR. FREIDIN: I tried to drag it out
3 longer.

4 THE CHAIRMAN: And we do not have any
5 further questions either.

6 I think what we are going to propose we
7 do is perhaps take a break for, say, 20 minutes and
8 return here in 20 minutes and, hopefully, she will be
9 back at that point.

10 We would like to deal with this question
11 today so that we can give the appropriate directions
12 and instructions.

13 MR. FREIDIN: I will call her right away.

14 THE CHAIRMAN: And that will bring us
15 back here at ten to two.

16 Thank you.

17 Yes, Mr. Armson, thank you. You can step
18 down from this panel, and I am sure we will see you
19 shortly.

20 --- (witness withdraws)

21 MR. MARTEL: Ms. Murphy is here.

22 THE CHAIRMAN: Hold it folks we may be
23 dealing with it right now.

24 MR. FREIDIN: Good timing.

25 MS. MURPHY: I don't know if you are

1 going to be all that glad to see me.

2 I have done what I can to look into the
3 possibility of producing something. I can just tell
4 you what I know.

5 I understand that it may be possible to,
6 in some sense, photocopy that map. However, we haven't
7 had the people who do reproductions look at it and we
8 are concerned, frankly, that it is probably not going
9 to be a very good product. It would require some kind
10 of keying and we just don't know, we can't guarantee
11 that it would be a very useful product.

12 A second option would require taking
13 original mylars from all of the original areas and
14 adding that information and copying that. That would
15 take more time, but would give you a better product.

16 What crosses my mind, though, is that if
17 I understood Mr. Edwards, perhaps what he is really
18 suggesting is that if you look at the proposal we
19 originally made, it might be more helpful for other
20 parties if we follow, at least part of my original
21 suggestion, which would be that MNR produce its
22 proposal first.

23 THE CHAIRMAN: No. We are going to get
24 back into the whole business of the parties having some
25 concerns because it is MNR's proposal with whatever

1 emphasis they place on things that are advantageous to
2 their case as opposed to the other parties.

3 What the Board, I think, is looking for
4 is: It is looking for suggestions from the parties as
5 to what the Board should or should not see. The Board
6 has its own ideas right now, frankly, as to what it
7 should see or wishes to see within this area. It wants
8 to expand on that so-called data base for its
9 consideration by considering suggestions from the
10 parties themselves.

11 We are, as I think the decision indicated
12 on this issue, taking the decision-making function out
13 of the parties' hands. We are not asking the parties
14 to reach consensus on where we should go or what we
15 should see, but merely to suggest areas that we might
16 consider in reaching that decision.

17 MS. MURPHY: Mm-hmm.

18 THE CHAIRMAN: And information that can
19 be put in the parties' hands to help them in
20 formulating those suggestions would obviously be
21 helpful.

22 Frankly, at this point, the Board
23 considers that some of the parties representing the
24 various interests would have a good idea of specific
25 things within this general area that they might like

1 the Board to consider seeing, in any event.

2 And when we are dealing with a number of
3 parties, that list may grow considerably and,
4 obviously, the Board is not going to choose all of them
5 for a number of reasons: (a) it may not be able to see
6 all of them in any event because of time restrictions;
7 and, (b) it may not wish to see them at this particular
8 point in time, fully realizing that at some later point
9 in time it might see the same type of thing.

10 A good example of that might be a
11 prescribed burn, you know, there may be other
12 opportunities for the Board at a future date to see a
13 prescribed burn. The same thing for a pulp and paper
14 mill or something. Throughout the course of this
15 hearing, there may be several opportunities for the
16 Board to see a pulp and paper mill.

17 What we are looking for is a general
18 overview of some items that will be of interest for the
19 Board to see and to gather more facts and better
20 understand some of the evidence it is hearing.

21 MS. MURPHY: That being the case, Mr.
22 Chairman, I think probably the most practical thing we
23 can offer is to say we can attempt to find a way to
24 reproduce that map, though whether that would be
25 available on Monday or on Wednesday I am not certain,

1 it is going to depend on the methods that we would use
2 and simply perhaps find a way to produce that to those
3 people who are interested in having it and then just in
4 our own course carry on with preparing the material.

5 THE CHAIRMAN: All right. Well, why
6 don't we leave it at this for the purposes of the
7 Board's directions: That map will hopefully be
8 available for parties to look at now and some have
9 already seen them. Try and reproduce it, if you can.
10 within a short period of time and perhaps the Board
11 will extend, by one week, the deadline by which it
12 wishes to receive the submissions. Would that be a
13 problem?

14 MS. MURPHY: There may be some concern
15 with that. If the deadline is July 4th and then there
16 would have to be some time after that for the Board to
17 consider everyone's submissions and come up with a
18 decision, we do end up with some real problems and
19 constraints towards the end of the time in just looking
20 after logistics.

21 So it is going to depend, I suppose, on
22 how long the Board feels it would take.

23 THE CHAIRMAN: Well, put it this way:
24 Could you go ahead and make arrangements for the
25 aircraft and -- at least tentatively book the aircraft

1 and the ground support vehicles at this point in time,
2 assuming that on the 18th that will be the week that we
3 will be going on the site visit, that is No. 1.

4 No. 2, any of the parties that can make
5 their suggestions to the Board prior to the deadline
6 will be appreciated and the Board will consider them
7 much earlier if they come in much earlier.

8 The Board, I would suspect, would be in a
9 position to give instructions to the Ministry as to the
10 locations and activities it wishes to include in this
11 site visit within a couple of days after, say, July
12 4th.

13 MS. MURPHY: And just a point of
14 clarification, I would assume that in preparing the
15 proposal, we would be expected to provide that to other
16 parties, the proposal that is being put forward?

17 THE CHAIRMAN: Well, our directions to
18 you will say: We want to see this, this, this and this
19 and we will try to do it in some kind of logical order
20 in terms of where we go, like: Day one, day two, day
21 three type of thing.

22 And you may come back to us and say: We
23 can't include all of them, or there are certain
24 limitations about seeing everything, and we may have to
25 cut something out and amend it according to what is

1 logistically possible.

2 MS. MURPHY: If I can just clarify my
3 question then--

4 THE CHAIRMAN: Right.

5 MS. MURPHY: --just so that I understand.
6 On the 27th or up until the 4th of July, the Board
7 would entertain submissions from parties as to--

8 THE CHAIRMAN: What and where.

9 MS. MURPHY: --their proposal. What and
10 where.

11 THE CHAIRMAN: That's right.

12 MS. MURPHY: I assume that you expect to
13 see one from the Ministry as well.

14 THE CHAIRMAN: Yes.

15 MS. MURPHY: That was my question.

16 THE CHAIRMAN: You are certainly a party.

17 MS. MURPHY: Fair enough, and that was my
18 question. I would expect that you would think our
19 proposal and perhaps the others would be made available
20 to the other parties.

21 THE CHAIRMAN: Oh, you mean everybody
22 exchanging their proposals amongst each other?

23 MS. MURPHY: That is what I thought would
24 be expected.

25 THE CHAIRMAN: Well, I do not know

1 whether or not that is going to make a lot of
2 difference to the Board's decision because we are
3 ultimately going to decide on our own where we are
4 going to go.

5 Just because somebody sees somebody
6 else's proposal and gets upset by it does not
7 necessarily affect what we are going to do.

8 So I would suggest that everybody just
9 submit their own particular proposal to us, any parties
10 that wish to discuss their proposal with any other
11 party privately is their own business.

12 MS. MURPHY: These things can lead to
13 some agreement from time to time.

14 THE CHAIRMAN: Then I would suggest a
15 party line or conference call or, you know, direct
16 telephone communication might be appropriate.

17 MS. MURPHY: With that, we will undertake
18 to make our best efforts--

19 THE CHAIRMAN: Okay.

20 MS. MURPHY: --to provide some kind of
21 copy.

22 THE CHAIRMAN: By the way, would you also
23 provide, whatever you are going to provide, one to the
24 Board as well so that we can take a look at the same
25 map, so to speak.

1 MS. MURPHY: Fine.

2 THE CHAIRMAN: Now, could we suggest, and
3 I do not know if this is possible. Mrs. Koven has just
4 suggested, could we make the deadline the 30th which is
5 the Thursday of that week rather than the Monday which
6 is the following week?

7 MS. MURPHY: I certainly wouldn't have
8 any problem with that. I don't know about my
9 friends --

10 THE CHAIRMAN: I mean, if you are going
11 to be able to reproduce it, you are going to be able to
12 reproduce it, I would think, within that time frame and
13 get it out.

14 MS. MURPHY: Oh, yes.

15 THE CHAIRMAN: Mr. Castrilli?

16 MR. CASTRILLI: Mr. Chairman, just for
17 the clarification, are you indicating you want
18 submissions from all parties by June 30th?

19 THE CHAIRMAN: Yes. I think to make it
20 clear on the record, the Board would like submissions
21 from all parties by June 30th, and then we will
22 consider it and very likely will be able to return on
23 the 4th with our decisions made with appropriate
24 directions to the Ministry.

25 MS. MURPHY: Thank you.

1 THE CHAIRMAN: Anything further?

2 Very good, ladies and gentlemen. Have a
3 pleasant week next week.

4 We will see you the week after.

5 Thank you.

6 ---Where upon the hearing adjourned at 2:15 p.m., to
7 reconvene Monday, June 27th, 1988, commencing at
8 1:00 p.m.

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